Montana Legislative History

Chapter: 358 Session L: 2009
Bill Number: 231 Senate

Checklist of Bill History

History and Final Status Sheet	☑
Introduced Bill	☑
Fiscal Note	☐
Third Reading Bill	☐
Final Version of Bill	☐

House	Senate
Committee: Local Government	Committee: Local Government
Hearing Date(s): 3/10/2009	Hearing Date(s): 2/18/2009
Committee Report: 3/18/2009	Committee Report: 2/19/2009

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: K Marshall
Date: 3/7/2024
Notes:

Bill Draft Number: LC0689
Bill Type - Number: SB 231
Short Title: Revise the impact fee enabling act to require service area report
Primary Sponsor: Rick Laible (R) SD 44
Chapter Number: 358

Bill Actions - **Current Bill Progress:** Became Law

Bill Action Count: 57

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/27/2009			
(S) Signed by Governor	04/24/2009			
(S) Transmitted to Governor	04/15/2009			
(H) Signed by Speaker	04/14/2009			
(S) Signed by President	04/14/2009			
(S) Returned from Enrolling	04/14/2009			
(C) Printed - New Version Available	04/14/2009			
(S) Sent to Enrolling	04/14/2009			
(S) 3rd Reading Passed as Amended by House	04/09/2009	49	1	
(S) Scheduled for 3rd Reading	04/09/2009			
(S) 2nd Reading House Amendments Concurred on Voice Vote	04/08/2009	50	0	
(S) Scheduled for 2nd Reading	04/08/2009			
(H) Returned to Senate with Amendments	04/06/2009			
(H) 3rd Reading Concurred	04/06/2009	86	12	
(H) Scheduled for 3rd Reading	04/06/2009			
(H) 2nd Reading Concurred	04/03/2009	92	5	
(H) Scheduled for 2nd Reading	04/03/2009			
(C) Printed - New Version Available	03/18/2009			
(H) Committee Report--Bill Concurred as Amended	03/18/2009			(H) Local Government
(H) Committee Executive Action--Bill Concurred as Amended	03/18/2009	18	0	(H) Local Government
(H) Hearing	03/10/2009			(H) Local Government
(H) First Reading	02/24/2009			
(H) Referred to Committee	02/24/2009			(H) Local Government
(S) Transmitted to House	02/23/2009			
(S) 3rd Reading Passed	02/23/2009	49	0	
(S) Scheduled for 3rd Reading	02/23/2009			
(S) 2nd Reading Passed on Voice Vote	02/21/2009	49	0	
(S) Scheduled for 2nd Reading	02/21/2009			
(S) Committee Report--Bill Passed	02/19/2009			(S) Local Government
(S) Committee Executive Action--Bill Passed	02/19/2009	9	0	(S) Local Government
(S) Hearing	02/18/2009			(S) Local Government
(C) Introduced Bill Text Available Electronically	01/15/2009			
(S) First Reading	01/15/2009			
(S) Referred to Committee	01/15/2009			(S) Local Government
(S) Introduced	01/15/2009			
(C) Draft Delivered to Requester	01/13/2009			
(C) Draft Ready for Delivery	01/09/2009			
(C) Draft in Assembly/Executive Director Review	01/08/2009			
(C) Draft in Final Drafter Review	01/08/2009			
(C) Draft in Input/Proofing	01/08/2009			
(C) Draft to Drafter - Edit Review [SAB]	01/08/2009			
(C) Draft in Edit	01/08/2009			
(C) Draft in Legal Review	01/07/2009			

(C) Draft Taken Off Hold	01/07/2009
(C) Draft On Hold	01/07/2009
(C) Draft Back for Redo	01/06/2009
(C) Draft in Assembly/Executive Director Review	01/06/2009
(C) Draft in Final Drafter Review	01/06/2009
(C) Bill Draft Text Available Electronically	01/06/2009
(C) Draft in Input/Proofing	01/06/2009
(C) Draft to Drafter - Edit Review [SAB]	01/05/2009
(C) Draft in Edit	01/05/2009
(C) Draft in Legal Review	01/05/2009
(C) Draft to Requester for Review	01/05/2009
(C) Draft Taken Off Hold	01/05/2009
(C) Draft On Hold	11/20/2008
(C) Draft Request Received	11/03/2008

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Laible	Rick	
Drafter	Kolman	Joe	
Primary Sponsor	Laible	Rick	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Local Finance (see also: City Finance; County Finance)		Simple	LGF
Property		Simple	PROP
Revenue, Local	Revenue	Simple	REVL

Additional Bill Information

Fiscal Note Probable: No
Preintroduction Required: N
Session Law Ch. Number: 358
DEADLINE
Category: Revenue Bills
Transmittal Date: 03/31/2009
Return (with 2nd house amendments) Date: 04/17/2009

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	01-JUL-09	

AN ACT REQUIRING A GOVERNMENTAL ENTITY TO PREPARE A SERVICE AREA REPORT TO DOCUMENT THE CALCULATION OF IMPACT FEES; AMENDING SECTIONS 7-6-1602, AND 7-6-1603, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-6-1602, MCA, is amended to read:

"7-6-1602. Calculation of impact fees -- documentation required -- ordinance or resolution -- requirements for impact fees. (1) For each public facility for which an impact fee is imposed, the governmental entity shall prepare and approve a service area report.

(2) The service area report is a written analysis that must ~~documentation that~~:

(a) ~~describes~~ describe existing conditions of the facility;

(b) ~~establishes level-of-service~~ establish level-of-service standards;

(c) ~~forecasts~~ forecast future additional needs for service for a defined period of time;

(d) ~~identifies~~ identify capital improvements necessary to meet future needs for service;

(e) ~~identifies~~ identify those capital improvements needed for continued operation and maintenance of the facility;

(f) ~~makes~~ make a determination as to whether one service area or more than one service area is necessary to establish a correlation between impact fees and benefits;

(g) ~~makes~~ make a determination as to whether one service area or more than one service area for transportation facilities is needed to establish a correlation between impact fees and benefits;

(h) ~~establishes~~ establish the methodology and time period over which the governmental entity will assign the proportionate share of capital costs for expansion of the facility to provide service to new development within each service area;

(i) ~~establishes~~ establish the methodology that the governmental entity will use to exclude operations and maintenance costs and correction of existing deficiencies from the impact fee;

(j) ~~establishes~~ establish the amount of the impact fee that will be imposed for each unit of increased service demand; and

(k) ~~has~~ have a component of the budget of the governmental entity that:

(i) schedules construction of public facility capital improvements to serve projected growth;

(ii) projects costs of the capital improvements;

(iii) allocates collected impact fees for construction of the capital improvements; and

(iv) covers at least a 5-year period and is reviewed and updated at least every 2 years.

(3) The service area report is a written analysis that must contain documentation of sources and methodology used for purposes of subsection (2) and must document how each impact fee meets the requirements of subsection (7).

~~(2)~~(4) The ~~data sources and methodology~~ service area report ~~supporting~~ that supports adoption and calculation of an impact fee must be available to the public upon request.

~~(3)~~(5) The amount of each impact fee imposed must be based upon the actual cost of public facility expansion or improvements or reasonable estimates of the cost to be incurred by the governmental entity as a result of new development. The calculation of each impact fee must be in accordance with generally accepted accounting principles.

~~(4)~~(6) The ordinance or resolution adopting the impact fee must include a time schedule for periodically updating the documentation required under subsection ~~(1)~~ (2).

~~(5)~~(7) An impact fee must meet the following requirements:

(a) The amount of the impact fee must be reasonably related to and reasonably attributable to the development's share of the cost of infrastructure improvements made necessary by the new development.

(b) The impact fees imposed may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development. The following factors must be considered in determining a proportionate share of public facilities capital improvements costs:

(i) the need for public facilities capital improvements required to serve new development; and

(ii) consideration of payments for system improvements reasonably anticipated to be made by or as a result of the development in the form of user fees, debt service payments, taxes, and other available sources of funding the system improvements.

(c) Costs for correction of existing deficiencies in a public facility may not be included in the impact fee.

(d) New development may not be held to a higher level of service than existing users unless there is a mechanism in place for the existing users to make improvements to the existing system to match the higher level of service.

(e) Impact fees may not include expenses for operations and maintenance of the facility."

Section 2. Section 7-6-1603, MCA, is amended to read:

"7-6-1603. Collection and expenditure of impact fees -- refunds or credits -- mechanism for appeal required. (1) The collection and expenditure of impact fees must comply with this part. The collection and expenditure of impact fees must be reasonably related to the benefits accruing to the development paying the impact fees. The ordinance or resolution adopted by the governmental entity must include the following requirements:

(a) Upon collection, impact fees must be deposited in a special proprietary fund, which must be invested with all interest accruing to the fund.

(b) A governmental entity may impose impact fees on behalf of local districts.

(c) If the impact fees are not collected or spent in accordance with the impact fee ordinance or resolution or in accordance with 7-6-1602, any impact fees that were collected must be refunded to the person who owned the property at the time that the refund was due.

(2) All impact fees imposed pursuant to the authority granted in this part must be paid no earlier than the date of issuance of a building permit if a building permit is required for the development or no earlier than the time of wastewater or water service connection or well or septic permitting.

(3) A governmental entity may recoup costs of excess capacity in existing capital facilities, when the excess capacity has been provided in anticipation of the needs of new development, by requiring impact fees for that portion of the facilities constructed for future users. The need to recoup costs for excess capacity must have been documented pursuant to 7-6-1602 in a manner that demonstrates the need for the excess capacity. This part does not prevent a governmental entity from continuing to assess an impact fee that recoups costs for excess capacity in an existing facility. The impact fees imposed to recoup the costs to provide the excess capacity must be based on the governmental entity's actual cost of acquiring, constructing, or upgrading the facility and must be no more than a proportionate share of the costs to provide the excess capacity.

(4) Governmental entities may accept the dedication of land or the construction of public facilities in lieu

of payment of impact fees if:

(a) the need for the dedication or construction is clearly documented pursuant to 7-6-1602;

(b) the land proposed for dedication for the public facilities to be constructed is determined to be appropriate for the proposed use by the governmental entity;

(c) formulas or procedures for determining the worth of proposed dedications or constructions are established as part of the impact fee ordinance or resolution; and

(d) a means to establish credits against future impact fee revenue has been created as part of the adopting ordinance or resolution if the dedication of land or construction of public facilities is of worth in excess of the impact fee due from an individual development.

(5) Impact fees may not be imposed for remodeling, rehabilitation, or other improvements to an existing structure or for rebuilding a damaged structure unless there is an increase in units that increase service demand as described in ~~7-6-1602(1)(j)~~ 7-6-1602(2)(j). If impact fees are imposed for remodeling, rehabilitation, or other improvements to an existing structure or use, only the net increase between the old and new demand may be imposed.

(6) This part does not prevent a governmental entity from granting refunds or credits:

(a) that it considers appropriate and that are consistent with the provisions of 7-6-1602 and this chapter; or

(b) in accordance with a voluntary agreement, consistent with the provisions of 7-6-1602 and this chapter, between the governmental entity and the individual or entity being assessed the impact fees.

(7) An impact fee represents a fee for service payable by all users creating additional demand on the facility.

(8) An impact fee ordinance or resolution must include a mechanism whereby a person charged an impact fee may appeal the charge if the person believes an error has been made."

Section 3. Effective date. [This act] is effective July 1, 2009.

- END -

I hereby certify that the within bill,

SB 0231, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day

of _____, 2009.

Speaker of the House

Signed this _____ day

of _____, 2009.

SENATE BILL NO. 231

INTRODUCED BY R. LAIBLE

AN ACT REQUIRING A GOVERNMENTAL ENTITY TO PREPARE A SERVICE AREA REPORT TO DOCUMENT THE CALCULATION OF IMPACT FEES; AMENDING SECTIONS 7-6-1602, AND 7-6-1603, MCA; AND PROVIDING AN EFFECTIVE DATE.

SENATE BILL NO. 231

INTRODUCED BY R. LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A GOVERNMENTAL ENTITY TO PREPARE A SERVICE AREA REPORT TO DOCUMENT THE CALCULATION OF IMPACT FEES; AND AMENDING SECTIONS 7-6-1602, AND 7-6-1603, MCA."

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(2) The service area report is a written analysis that must ~~documentation that~~:

(a) ~~describes~~ describe existing conditions of the facility;

(b) ~~establishes level of service~~ establish level-of-service standards;

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(e) ~~identifies~~ identify those capital improvements needed for continued operation and maintenance of the facility;

(f) ~~makes~~ make a determination as to whether one service area or more than one service area is necessary to establish a correlation between impact fees and benefits;

(g) ~~makes~~ make a determination as to whether one service area or more than one service area for transportation facilities is needed to establish a correlation between impact fees and benefits;

(h) ~~establishes~~ establish the methodology and time period over which the governmental entity will assign the proportionate share of capital costs for expansion of the facility to provide service to new development within each service area;

(i) ~~establishes~~ establish the methodology that the governmental entity will use to exclude operations and maintenance costs and correction of existing deficiencies from the impact fee;

(j) ~~establishes~~ establish the amount of the impact fee that will be imposed for each unit of increased service demand; and

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(i) schedules construction of public facility capital improvements to serve projected growth;

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(3) The service area report is a written analysis that must contain documentation of sources and methodology used for purposes of subsection (2) and must document how each impact fee meets the requirements of subsection (7).

~~(2)~~(4) The ~~data sources and methodology~~ service area report ~~supporting~~ that supports adoption and calculation of an impact fee must be available to the public upon request.

~~(3)~~(5) The amount of each impact fee imposed must be based upon the actual cost of public facility expansion or improvements or reasonable estimates of the cost to be incurred by the governmental entity as a result of new development. The calculation of each impact fee must be in accordance with generally accepted accounting principles.

~~(4)~~(6) The ordinance or resolution adopting the impact fee must include a time schedule for periodically updating the documentation required under subsection ~~(1)~~ (2).

~~(5)~~(7) An impact fee must meet the following requirements:

(a) The amount of the impact fee must be reasonably related to and reasonably attributable to the development's share of the cost of infrastructure improvements made necessary by the new development.

(b) The impact fees imposed may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development. The following factors must be considered in determining a proportionate share of public facilities capital improvements costs:

(i) the need for public facilities capital improvements required to serve new development; and

(ii) consideration of payments for system improvements reasonably anticipated to be made by or as a result of the development in the form of user fees, debt service payments, taxes, and other available sources of funding the system improvements.

(c) Costs for correction of existing deficiencies in a public facility may not be included in the impact fee.

(d) New development may not be held to a higher level of service than existing users unless there is a mechanism in place for the existing users to make improvements to the existing system to match the higher level of service.

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Section 2. Section 7-6-1603, MCA, is amended to read:

"7-6-1603. Collection and expenditure of impact fees -- refunds or credits -- mechanism for appeal required. (1) The collection and expenditure of impact fees must comply with this part. The collection and expenditure of impact fees must be reasonably related to the benefits accruing to the development paying the impact fees. The ordinance or resolution adopted by the governmental entity must include the following requirements:

(a) Upon collection, impact fees must be deposited in a special proprietary fund, which must be invested with all interest accruing to the fund.

(b) A governmental entity may impose impact fees on behalf of local districts.

(c) If the impact fees are not collected or spent in accordance with the impact fee ordinance or resolution or in accordance with 7-6-1602, any impact fees that were collected must be refunded to the person who owned the property at the time that the refund was due.

(2) All impact fees imposed pursuant to the authority granted in this part must be paid no earlier than the date of issuance of a building permit if a building permit is required for the development or no earlier than the time of wastewater or water service connection or well or septic permitting.

(3) A governmental entity may recoup costs of excess capacity in existing capital facilities, when the excess capacity has been provided in anticipation of the needs of new development, by requiring impact fees for that portion of the facilities constructed for future users. The need to recoup costs for excess capacity must have been documented pursuant to 7-6-1602 in a manner that demonstrates the need for the excess capacity. This part does not prevent a governmental entity from continuing to assess an impact fee that recoups costs for excess capacity in an existing facility. The impact fees imposed to recoup the costs to provide the excess capacity must be based on the governmental entity's actual cost of acquiring, constructing, or upgrading the facility and must be no more than a proportionate share of the costs to provide the excess capacity.

(4) Governmental entities may accept the dedication of land or the construction of public facilities in lieu of payment of impact fees if:

(a) the need for the dedication or construction is clearly documented pursuant to 7-6-1602;

(b) the land proposed for dedication for the public facilities to be constructed is determined to be appropriate for the proposed use by the governmental entity;

(c) formulas or procedures for determining the worth of proposed dedications or constructions are established as part of the impact fee ordinance or resolution; and

(d) a means to establish credits against future impact fee revenue has been created as part of the

adopting ordinance or resolution if the dedication of land or construction of public facilities is of worth in excess of the impact fee due from an individual development.

(5) Impact fees may not be imposed for remodeling, rehabilitation, or other improvements to an existing structure or for rebuilding a damaged structure unless there is an increase in units that increase service demand as described in ~~7-6-1602(1)(j)~~ 7-6-1602(2)(j). If impact fees are imposed for remodeling, rehabilitation, or other improvements to an existing structure or use, only the net increase between the old and new demand may be imposed.

(6) This part does not prevent a governmental entity from granting refunds or credits:

(a) that it considers appropriate and that are consistent with the provisions of 7-6-1602 and this chapter; or

(b) in accordance with a voluntary agreement, consistent with the provisions of 7-6-1602 and this chapter, between the governmental entity and the individual or entity being assessed the impact fees.

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(8) An impact fee ordinance or resolution must include a mechanism whereby a person charged an impact fee may appeal the charge if the person believes an error has been made."

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SENATE BILL NO. 231

INTRODUCED BY R. LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A GOVERNMENTAL ENTITY TO PREPARE A SERVICE AREA REPORT TO DOCUMENT THE CALCULATION OF IMPACT FEES; ~~AND~~ AMENDING SECTIONS 7-6-1602, AND 7-6-1603, MCA; AND PROVIDING AN EFFECTIVE DATE."

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Section 2. Section 7-6-1603, MCA, is amended to read:

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(b) A governmental entity may impose impact fees on behalf of local districts.

(c) If the impact fees are not collected or spent in accordance with the impact fee ordinance or resolution or in accordance with 7-6-1602, any impact fees that were collected must be refunded to the person who owned the property at the time that the refund was due.

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NEW SECTION. **SECTION 3. EFFECTIVE DATE.** [THIS ACT] IS EFFECTIVE JULY 1, 2009.

- END -

AN ACT REQUIRING A GOVERNMENTAL ENTITY TO PREPARE A SERVICE AREA REPORT TO DOCUMENT THE CALCULATION OF IMPACT FEES; AMENDING SECTIONS 7-6-1602, AND 7-6-1603, MCA; AND PROVIDING AN EFFECTIVE DATE.

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(iv) covers at least a 5-year period and is reviewed and updated at least every 2 years.

(3) The service area report is a written analysis that must contain documentation of sources and methodology used for purposes of subsection (2) and must document how each impact fee meets the requirements of subsection (7).

~~(2)~~(4) The ~~data sources and methodology~~ service area report ~~supporting~~ that supports adoption and calculation of an impact fee must be available to the public upon request.

~~(3)~~(5) The amount of each impact fee imposed must be based upon the actual cost of public facility expansion or improvements or reasonable estimates of the cost to be incurred by the governmental entity as a result of new development. The calculation of each impact fee must be in accordance with generally accepted accounting principles.

~~(4)~~(6) The ordinance or resolution adopting the impact fee must include a time schedule for periodically updating the documentation required under subsection ~~(1)~~ (2).

~~(5)~~(7) An impact fee must meet the following requirements:

(a) The amount of the impact fee must be reasonably related to and reasonably attributable to the development's share of the cost of infrastructure improvements made necessary by the new development.

(b) The impact fees imposed may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development. The following factors must be considered in determining a proportionate share of public facilities capital improvements costs:

(i) the need for public facilities capital improvements required to serve new development; and

(ii) consideration of payments for system improvements reasonably anticipated to be made by or as a result of the development in the form of user fees, debt service payments, taxes, and other available sources of funding the system improvements.

(c) Costs for correction of existing deficiencies in a public facility may not be included in the impact fee.

(d) New development may not be held to a higher level of service than existing users unless there is a mechanism in place for the existing users to make improvements to the existing system to match the higher level of service.

(e) Impact fees may not include expenses for operations and maintenance of the facility."

Section 2. Section 7-6-1603, MCA, is amended to read:

"7-6-1603. Collection and expenditure of impact fees -- refunds or credits -- mechanism for appeal required. (1) The collection and expenditure of impact fees must comply with this part. The collection and expenditure of impact fees must be reasonably related to the benefits accruing to the development paying the impact fees. The ordinance or resolution adopted by the governmental entity must include the following requirements:

(a) Upon collection, impact fees must be deposited in a special proprietary fund, which must be invested with all interest accruing to the fund.

(b) A governmental entity may impose impact fees on behalf of local districts.

(c) If the impact fees are not collected or spent in accordance with the impact fee ordinance or resolution or in accordance with 7-6-1602, any impact fees that were collected must be refunded to the person who owned the property at the time that the refund was due.

(2) All impact fees imposed pursuant to the authority granted in this part must be paid no earlier than the date of issuance of a building permit if a building permit is required for the development or no earlier than the time of wastewater or water service connection or well or septic permitting.

(3) A governmental entity may recoup costs of excess capacity in existing capital facilities, when the excess capacity has been provided in anticipation of the needs of new development, by requiring impact fees for that portion of the facilities constructed for future users. The need to recoup costs for excess capacity must have been documented pursuant to 7-6-1602 in a manner that demonstrates the need for the excess capacity. This part does not prevent a governmental entity from continuing to assess an impact fee that recoups costs for excess capacity in an existing facility. The impact fees imposed to recoup the costs to provide the excess capacity must be based on the governmental entity's actual cost of acquiring, constructing, or upgrading the facility and must be no more than a proportionate share of the costs to provide the excess capacity.

(4) Governmental entities may accept the dedication of land or the construction of public facilities in lieu of payment of impact fees if:

(a) the need for the dedication or construction is clearly documented pursuant to 7-6-1602;

(b) the land proposed for dedication for the public facilities to be constructed is determined to be appropriate for the proposed use by the governmental entity;

(c) formulas or procedures for determining the worth of proposed dedications or constructions are established as part of the impact fee ordinance or resolution; and

(d) a means to establish credits against future impact fee revenue has been created as part of the adopting ordinance or resolution if the dedication of land or construction of public facilities is of worth in excess of the impact fee due from an individual development.

(5) Impact fees may not be imposed for remodeling, rehabilitation, or other improvements to an existing structure or for rebuilding a damaged structure unless there is an increase in units that increase service demand as described in ~~7-6-1602(1)(j)~~ 7-6-1602(2)(j). If impact fees are imposed for remodeling, rehabilitation, or other improvements to an existing structure or use, only the net increase between the old and new demand may be imposed.

(6) This part does not prevent a governmental entity from granting refunds or credits:

(a) that it considers appropriate and that are consistent with the provisions of 7-6-1602 and this chapter; or

(b) in accordance with a voluntary agreement, consistent with the provisions of 7-6-1602 and this chapter, between the governmental entity and the individual or entity being assessed the impact fees.

(7) An impact fee represents a fee for service payable by all users creating additional demand on the facility.

(8) An impact fee ordinance or resolution must include a mechanism whereby a person charged an impact fee may appeal the charge if the person believes an error has been made."

Section 3. Effective date. [This act] is effective July 1, 2009.

- END -

I hereby certify that the within bill,
SB 0231, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2019.

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 231

INTRODUCED BY R. LAIBLE

AN ACT REQUIRING A GOVERNMENTAL ENTITY TO PREPARE A SERVICE AREA REPORT TO DOCUMENT THE CALCULATION OF IMPACT FEES; AMENDING SECTIONS 7-6-1602, AND 7-6-1603, MCA; AND PROVIDING AN EFFECTIVE DATE.

MINUTES

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on February 18, 2009 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:
Sen. John Esp, Chairman (R)
Sen. Jeff Essmann, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Ron Erickson (D)
Sen. Steven Gallus (D)
Sen. Kim Gillan (D)
Sen. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. Verdell Jackson (R)

Members Absent: None.

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:	SB 231, 1/15/2009; SB 433, 2/11/2009; SB 434, 2/11/2009; SB 448, 2/12/2009
Executive Action:	SB 231 ~ Do Pass SB 448 ~ Do Pass As Amended SB 310 ~ Do Pass As Amended SB 369 ~ Do Pass As Amended SB 305 ~ Do Pass As Amended

HEARING ON SB 448

Opening Statement by Sponsor:

00:01:07 Sen. Jim Keane (D), SD 38, opened the hearing on SB 448, Allow county commissioner to perform marriage.

Proponents' Testimony:

00:02:33 Bill Kennedy, Yellowstone County Commissioner
00:03:47 Jim Reno, Yellowstone County Commissioner
EXHIBIT(los38a01)
00:05:08 John Ostlund, Yellowstone County Commissioner

Opponents' Testimony:

00:05:28 Larry Carver, Justice of the Peace, Judith Basin County, representing Montana Magistrates' Association (MMA)
EXHIBIT(los38a02)
00:10:54 Johnny Seiffert, President, MMA
00:11:36 Mary Phippen, representing MMA

Informational Testimony: None

Questions from Committee Members and Responses:

00:12:21 Chairman Esp
00:12:35 Sen. Tutvedt
00:12:57 Sen. Keane
00:13:47 Sen. Barkus
00:15:24 Bill Kennedy
00:16:09 Sen. Gallus
00:16:34 Larry Carver,MMA
00:17:09 Sen. Erickson
00:17:25 Larry Carver

Closing by Sponsor:

00:18:01 Sen. Keane

HEARING ON SB 231

Opening Statement by Sponsor:

00:19:01 Sen. Rick Laible (R), SD 44, opened the hearing on SB 231, Revise the impact fee enabling act to require service area report.

Proponents' Testimony:

00:23:34 Glenn Oppel, representing the Montana Association of Realtors (MAR)
EXHIBIT(los38a03)
00:26:21 Tim Davis, Montana Smart Growth Coalition
00:26:41 Alec Hansen, representing Montana League of Cities and Towns
00:27:38 Former U.S. Representative Rick Hill, representing Montana Building Industry Association (MBIA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:28:55 Sen. Laible

00:29:28 Recess

00:31:50 Reconvene

HEARING ON SB 434

Opening Statement by Sponsor:

00:32:03 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on SB 434, Limit governmental liability for rodeo events.

Proponents' Testimony:

00:33:21 Jim Reno, Yellowstone County Commissioner
00:34:35 John Ostlund, Yellowstone County Commissioner
00:35:57 L. Harold Blattie, Montana Association of Counties (MACo)

Opponents' Testimony:

00:36:41 Al Smith, representing Montana Trial Lawyers Association (MTLA)

Informational Testimony: None

Questions from Committee Members and Responses:

00:41:17 Sen. Erickson
00:41:45 L. Harold Blattie, MACo
00:42:36 Sen. Gillan
00:42:54 Jim Reno
00:44:19 Sen. Essmann
00:44:48 Al Smith, MTLA
00:48:35 Chairman Esp
00:50:59 Sen. Barkus
00:51:47 Al Smith
00:52:30 Sen. Gallus
00:53:31 L. Harold Blattie

Closing by Sponsor:

00:56:07 Sen. Gebhardt

HEARING ON SB 433

Opening Statement by Sponsor:

00:57:53 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on SB 433, Revise opencut mining laws.
EXHIBIT(los38a04)

Proponents' Testimony:

01:01:04 Ron Pike, President, Sime Construction, Bozeman, also President, Montana Contractors Association
EXHIBIT(los38a05)
EXHIBIT(los38a06)
01:04:49 Mike Newton, Fisher Sand and Gravel, operating out of Glendive, Billings and Livingston also member of Montana Contractors Association
EXHIBIT(los38a07)
EXHIBIT(los38a08)
01:09:53 Matt Jesson, Livingston resident
01:10:39 Jerry Bowser, Environmental Manager, Oldcastle Materials
01:13:48 Basil Jacobson, United Materials, Great Falls
01:14:31 Bob Warren, Schellinger Construction, Kalispell
01:16:36 Paul Thompson, Engineer, Gilman Construction, Butte
01:20:54 Mike Sharp, Prince, Inc., Forsyth
01:23:08 Cary Hegreberg, Executive Director, Montana Contractors' Association (MCA)

01:24:45 Chairman Esp left the hearing and Sen. Gillan assumed the Chair responsibilities.

Opponents' Testimony:

01:25:01 Myra L. Shults, representing MACo
EXHIBIT(los38a09)
01:31:58 John Alke, representing Knife River Construction Company
EXHIBIT(los38a10)
01:39:28 Carol Lee-Roark, representing Gateway Open Cut Mining Group
EXHIBIT(los38a11)
EXHIBIT(los38a12)
Exhibit 12 removed due to objection raised by committee members.
01:44:52 Jean Riley, Engineer, Gallatin Gateway resident
01:46:42 Don Seifert, Bozeman resident
01:50:06 Linda Stoll, representing Missoula County and Montana Association of Planners
01:51:58 Alrick Hale, Vice President and General Manager, Knife River Construction, Kalispell
EXHIBIT(los38a13)
01:53:06 Dave Zinke, Knife River Construction, Missoula
01:53:22 Karl Hapcic, Gallatin Gateway area resident
01:54:13 Robert LaRue
01:55:10 Jackie Flikkema, Environment & Resource Manager, Knife River
EXHIBIT(los38a14)

01:55:36 Chairman Esp returned to the hearing.

Informational Testimony:

01:55:42 Judy Hanson, Administrator, Permitting And Compliance Division, Dept Environmental Quality (DEQ)
01:56:54 Kent Wilcox, Legislative Audit Division (LAD)

Questions from Committee Members and Responses:

01:57:12 Chairman Esp
01:57:32 Sen. Gebhardt
EXHIBIT(los38a15)
01:57:39 Leanne Heisel, Legislative Services Division (LSD)
01:59:25 Sen. Barkus
01:59:33 Alrick Hale, Knife River Construction
01:59:52 Sen. Barcus
02:00:02 Corey Hegreberg, MCA
02:00:49 Sen. Erickson
02:01:07 Sen. Gebhardt
02:02:32 Sen. Erickson
02:03:41 Sen. Gebhardt

Questions from Committee Members and Responses:(Con't)

02:04:59 Sen. Erickson
02:05:31 Jan Hanson, DEQ
02:07:07 Sen. Gillan
02:08:16 Myra L. Shults, MACo
02:10:09 Sen. Tutvedt
02:10:28 Corey Hegreberg
02:11:40 Sen Tutvedt
02:11:53 Jan Hanson
02:13:07 Sen. Essmann
02:15:12 Myra L. Shults
02:19:34 Sen. Tutvedt
02:19:58 Myra L. Shults
02:23:01 Sen. Barkus
02:23:32 Myra L. Shults
02:25:43 Chairman Esp
02:26:09 John Alke
02:26:36 Chairman Esp
02:27:16 Don Seifert
02:27:50 Sen. Erickson
02:28:27 Myra L. Shults

Closing by Sponsor:

02:29:40 Sen. Gebhardt

Committee Business:

02:34:06 Sen. Barcus
02:34:43 Chairman Esp

02:34:59 Sen. Jackson returned to the hearing.

EXECUTIVE ACTION ON SB 231

02:35:13 **Motion/Vote:** Sen. Erickson moved that **SB 231 DO PASS.** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 448

02:36:09 **Motion:** Sen. Essmann moved that **SB 448 DO PASS.**

02:36:15 **Motion:** Sen. Essmann moved to amend SB 448 with a conceptual amendment to remove subsection 5 parts a and b in Section 1. (See Exhibit 1)

Discussion:

02:37:33 Sen. Laslovich

02:36:49 **Vote**: Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

02:37:16 **Motion**: Sen. Essmann moved that **SB 448 DO PASS AS AMENDED.**

Discussion:

02:37:54 Chairman Esp
02:38:07 Sen. Laslovich
02:38:14 Sen. Gillan

02:38:38 **Vote**: Motion carried 7-2 by voice vote with Sens. Jackson and Laslovich voting no with Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 310

02:39:40 **Motion**: Sen. Essmann moved that **SB 310 DO PASS.**

02:39:51 **Motion**: Sen. Essmann moved that **SB 310 BE AMENDED.**
EXHIBIT(los38a16)

Discussion:

02:40:42 Chairman Esp
02:40:49 Leanne Heisel, LSD
02:41:32 Sen. Tutvedt
02:41:47 Leanne Heisel
02:42:01 Sen. Erickson

02:42:18 **Vote**: Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

02:42:35 **Motion/Vote**: Sen. Essmann moved that **SB 310 DO PASS AS AMENDED.** Motion carried 8-1 by voice vote with Sen. Erickson voting no and Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 369

02:44:16 **Motion**: Sen. Essmann moved that **SB 369 DO PASS.**

02:44:23 **Motion/Vote**: Sen. Essmann moved that **SB 369 BE EXHIBIT(20) AMENDED.** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.
EXHIBIT(los38a17)

02:45:09 **Motion**: Sen. Essmann moved that **SB 369 DO PASS AS AMENDED.**

Discussion:

02:45:20 Sen. Erickson
02:45:34 Chairman Esp

02:45:57 **Vote**: Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 305

02:47:07 **Motion**: Sen. Tutvedt moved that **SB 305 DO PASS.**

02:47:16 **Motion**: Sen. Tutvedt moved that **SB 305 BE AMENDED.**
EXHIBIT(los38a18)

Discussion:

02:48:00 Sen. Tutvedt
02:48:30 Leanne Heisel, LSD
02:51:19 Sen. Gillan
02:51:31 Sen. Tutvedt
02:53:21 Sen. Erickson
02:53:46 Sen. Tutvedt
02:54:30 Chairman Esp
02:54:53 Sen. Gillan
02:55:41 Chairman Esp
02:55:49 Leanne Heisel
02:56:32 Sen. Gillan
02:56:55 Myra L. Shults
02:58:04 Sen. Tutvedt
02:58:13 Glen Oppel, representing Montana Association of Realtors
02:58:43 Sen. Tutvedt

02:59:05 **Vote**: Motion failed 4-5 by roll call vote with Sens. Barkus, Essmann, Jackson, and Tutvedt voting aye with Sen. Gallus voting by proxy.

Discussion:

03:00:17 Chairman Esp

03:00:47 **Motion**: Sen. Essmann moved that **SB 305 BE AMENDED.** **EXHIBIT(los38a19)**

Discussion:

03:01:01 Chairman Esp
03:01:32 Leanne Heisel, LSD
03:01:58 Sen. Gillan
03:02:19 Chairman Esp
03:02:59 Sen. Laslovich
03:03:16 Sen. Tutvedt

03:03:45 **Vote**: Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

03:04:11 **Motion**: Sen. Tutvedt moved that **SB 305 DO PASS AS AMENDED.**

Discussion:

03:04:21 Sen. Essmann
03:04:42 Leanne Heisel

03:05:34 **Motion**: Sen. Essmann moved that **SB 305 BE AMENDED.** **EXHIBIT(los38a20)**

Discussion:

03:06:00 Sen. Essmann
03:06:55 Sen. Gillan
03:07:19 Leanne Heisel
03:07:48 Sen. Tutvedt

03:07:55 **Vote**: Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

03:08:10 **Motion/Vote**: Sen. Tutvedt moved that **SB 305 DO PASS AS AMENDED.** Motion carried unanimously by roll call vote with Sen. Gallus voting by proxy.

Discussion:

03:08:55 Chairman Essmann
03:09:59 Sen. Erickson

ADJOURNMENT

Adjournment: 6:50 P.M.

_____
Debra Polhemus, Secretary

dp

Additional Documents:

EXHIBIT(los38aad.pdf)

BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE LOCAL GOVERNMENT COMMITTEE

Date: Wednesday, February 18, 2009 **Time:** 3:00 pm
Place: Capitol **Room:** 405

BILLS and RESOLUTIONS HEARD:

SB 231 ~ SB 433 ~ SB 434 ~ SB 448

EXECUTIVE ACTION TAKEN:

SB 231 ~ Do Pass
SB 448 ~ Do Pass As Amended
SB 310 ~ Do Pass As Amended
SB 369 ~ Do Pass As Amended
SB 305 ~ Do Pass As Amended

COMMENTS:

SEN. John Esp, Chairman

MONTANA STATE SENATE
ROLL CALL
LOCAL GOVERNMENT COMMITTEE

DATE: February 18, 2009

NAME	PRESENT	ABSENT/ EXCUSED
Chairman John Esp	✓	
Vice Chair Jeff Essmann	✓	
Senator Gregory Barkus	✓	
Senator Ron Erickson	✓	
Senator Steve Gallus	✓	
Senator Kim Gillan	✓	
Senator Verdell Jackson		✓
Senator Jesse Laslovich	✓	
Senator Bruce Tutvedt	✓	

SENATE STANDING COMMITTEE REPORT

February 19, 2009

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 231** (first reading copy -- white) **do pass**.

Signed: _____
Senator John Esp, Chair

- END -

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

SB0231001SC.sdr

SENATE STANDING COMMITTEE REPORT

February 19, 2009

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 448** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator John Esp, Chair

And, that such amendments read:

1. Title, line 5 through line 7.
Strike: "ALLOWING IMPOSITION" on line 5 through "SECURITY;" on line 7

2. Page 1, line 30 through page 2, line 4.
Strike: subsection (5) in its entirety

- END -

Committee Vote:
Yes 7, No 2
Fiscal Note Required ✓

SB0448001SC.sdr

DR

SENATE STANDING COMMITTEE REPORT

February 19, 2009

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 310** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator John Esp, Chair

And, that such amendments read:

1. Page 2, line 25 through line 27.
Strike: "a waiver" on line 25 through "district." on line 27
Insert: "that a property owner waive a right to protest the creation of a special improvement district or a rural improvement district for capital improvement projects that does not identify the specific capital improvements for which protest is being waived. A waiver of a right to protest may not be valid for a time period longer than 15 years after the date that the final subdivision plat is filed with the county clerk and recorder."

- END -

Committee Vote:
Yes 8, No 1
Fiscal Note Required __

SB0310001SC.sdr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 369** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator John Esp, Chair

And, that such amendments read:

1. Page 1, line 24.
Following: "days of"
Insert: "the"
Following: "notification"
Insert: "required under this subsection"

- END -

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

SB0369001SC.sdr

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 305** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator John Esp, Chair

And, that such amendments read:

1. Title, line 5 through line 7.
Strike: "REMOVING" on line 5 through "INCLUDING" on line 7
Insert: "PROVIDING"
Following: "ESTABLISHED"
Insert: "SUBDIVISION REVIEW"

2. Title, line 9.
Strike: "76-3-501" through "76-3-625,"
Insert: "76-3-510, 76-3-604,"

3. Page 1, line 25 through page 14, line 4.
Strike: everything after the enacting clause
Insert: "Section 1. Section 76-3-510, MCA, is amended to read:

"76-3-510. Payment for extension of capital facilities. (1) A local government may require a subdivider to pay or guarantee payment for part or all of the costs of extending capital facilities related to public health and safety, including but not limited to public roads, sewer lines, water supply lines, and storm drains to a subdivision. The costs must reasonably reflect the expected impacts directly attributable to the subdivision. A local government may not require a subdivider to pay or guarantee payment for part or all of the costs of constructing or extending capital facilities related to education.

(2) All fees, costs, or other money paid by a subdivider under this section must be expended on the capital facilities for which the payments were required.""

Insert: "Section 2. Section 76-3-604, MCA, is amended to read:

Committee Vote:
Yes 9, No 0
Fiscal Note Required __

SB0305001SC.sdr

DR

"76-3-604. Review of subdivision application -- review for required elements and sufficiency of information. (1) (a) Within 5 working days of receipt of a subdivision application submitted in accordance with any deadlines established pursuant to 76-3-504(3) and receipt of the review fee submitted as provided in 76-3-602, the reviewing agent or agency shall determine whether the application contains all of the listed materials as required by 76-3-504(1)(a) and shall notify the subdivider or, with the subdivider's written permission, the subdivider's agent of the reviewing agent's or agency's determination.

(b) If the reviewing agent or agency determines that elements are missing from the application, the reviewing agent or agency shall identify those elements in the notification.

(2) (a) Within 15 working days after the reviewing agent or agency notifies the subdivider or the subdivider's agent that the application contains all of the required elements as provided in subsection (1), the reviewing agent or agency shall determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for the review of the proposed subdivision under the provisions of this chapter and the local regulations adopted pursuant to this chapter and shall notify the subdivider or, with the subdivider's written permission, the subdivider's agent of the reviewing agent's or agency's determination.

(b) If the reviewing agent or agency determines that information in the application is not sufficient to allow for review of the proposed subdivision, the reviewing agent or agency shall identify the insufficient information in its notification.

(c) A determination that an application contains sufficient information for review as provided in this subsection (2) does not ensure that the proposed subdivision will be approved or conditionally approved by the governing body and does not limit the ability of the reviewing agent or agency or the governing body to request additional information during the review process.

(3) The time limits provided in subsections (1) and (2) apply to each submittal of the application until:

(a) a determination is made that the application contains the required elements and sufficient information; and

(b) the subdivider or the subdivider's agent is notified.

(4) After the reviewing agent or agency has notified the subdivider or the subdivider's agent that an application contains sufficient information as provided in subsection (2), the governing body shall approve, conditionally approve, or deny the proposed subdivision within 60 working days, based on its determination of whether the application conforms to the provisions of this chapter and to the local regulations adopted pursuant to this chapter, unless:

(a) the subdivider and the reviewing agent or agency agree to an extension or suspension of the review period, not to exceed 1 year; or

(b) a subsequent public hearing is scheduled and held as

provided in 76-3-615.

(5) If the governing body fails to comply with the time limits under this section, the governing body shall pay to the subdivider a financial penalty of $50 per lot per month or a pro rata portion of a month, not to exceed the total amount of the subdivision review fee collected by the governing body for the subdivision application, until the governing body denies, approves, or conditionally approves the subdivision.

~~(5)~~(6) If the governing body denies or conditionally approves the proposed subdivision, it shall send the subdivider a letter, with the appropriate signature, that complies with the provisions of 76-3-620.

~~(6)~~(7) (a) The governing body shall collect public comment submitted at a hearing or hearings regarding the information presented pursuant to 76-3-622 and shall make any comments submitted or a summary of the comments submitted available to the subdivider within 30 days after conditional approval or approval of the subdivision application and preliminary plat.

(b) The subdivider shall, as part of the subdivider's application for sanitation approval, forward the comments or the summary provided by the governing body to the:

(i) reviewing authority provided for in Title 76, chapter 4, for subdivisions that will create one or more parcels containing less than 20 acres; and

(ii) local health department or board of health for proposed subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres.

~~(7)~~(8) (a) For a proposed subdivision that will create one or more parcels containing less than 20 acres, the governing body may require approval by the department of environmental quality as a condition of approval of the final plat.

(b) For a proposed subdivision that will create one or more parcels containing 20 acres or more, the governing body may condition approval of the final plat upon the subdivider demonstrating, pursuant to 76-3-622, that there is an adequate water source and at least one area for a septic system and a replacement drainfield for each lot.

~~(8)~~(9) (a) Review and approval, conditional approval, or denial of a proposed subdivision under this chapter may occur only under those regulations in effect at the time a subdivision application is determined to contain sufficient information for review as provided in subsection (2).

(b) If regulations change during the review periods provided in subsections (1) and (2), the determination of whether the application contains the required elements and sufficient information must be based on the new regulations.""

Insert: "Section 3. Section 76-4-125, MCA, is amended to read:

"76-4-125. Review of subdivision application -- land divisions excluded from review. (1) Except as provided in subsection (2), an application for review of a subdivision must be submitted to the reviewing authority. The review by the

reviewing authority must be as follows:

(a) At any time after the developer has submitted an application under the Montana Subdivision and Platting Act, the developer shall present a subdivision application to the reviewing authority. The application must include preliminary plans and specifications for the proposed development, whatever information the developer feels necessary for its subsequent review, any public comments or summaries of public comments collected as provided in 76-3-604~~(6)~~(7), and information required by the reviewing authority. Subdivision fees assessed by the reviewing authority must accompany the application. If the proposed development includes onsite sewage disposal facilities, the developer shall notify the designated agent of the local board of health prior to presenting the subdivision application to the reviewing authority. The agent may conduct a preliminary site assessment to determine whether the site meets applicable state and local requirements.

(b) Except as provided in 75-1-205(4) and 75-1-208(4)(b), the department shall make a final decision on the proposed subdivision within 60 days after the submission of a complete application and payment of fees to the reviewing authority unless an environmental impact statement is required, at which time this deadline may be increased to 120 days. The reviewing authority may not request additional information for the purpose of extending the time allowed for a review and final decision on the proposed subdivision. If the department approves the subdivision, the department shall issue a certificate of subdivision approval indicating that it has approved the plans and specifications and that the subdivision is not subject to a sanitary restriction.

(2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:

(a) the exclusions cited in 76-3-201 and 76-3-204;

(b) divisions made for the purpose of acquiring additional land to become part of an approved parcel, provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and that the division does not fall within a previously platted or approved subdivision;

(c) divisions made for purposes other than the construction of water supply or sewage and solid waste disposal facilities as the department specifies by rule;

(d) divisions located within jurisdictional areas that have adopted growth policies pursuant to chapter 1 or within first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided; and

(e) subject to the provisions of subsection (3), a remainder of an original tract created by segregating a parcel

from the tract for purposes of transfer if:

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or this chapter; or

(ii) the remainder is 1 acre or larger and has an individual sewage system serving a discharge source that was in existence prior to April 29, 1993, and, if required when installed, the system was approved pursuant to local regulations or this chapter.

(3) Consistent with the applicable provisions of 50-2-116, a local health officer may require that, prior to the filing of a plat or a certificate of survey subject to review under this part for the parcel to be segregated from the remainder referenced in subsection (2)(e)(ii), the remainder include acreage or features sufficient to accommodate a replacement drainfield.""

Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

- END -

ROLL CALL VOTE
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

Date: 2.18.09
Bill No.: SB 305

Motion: be amended

NAME *(9 Members)*	AYE	NO	Proxy
Vice Chairman Jeff Essmann	✓		
Sen. Kim Gillan		✓	
Sen. Gregory Barkus	✓		
Sen. Ron Erickson		✓	
Sen. Steve Gallus		✓	✓
Sen. Verdell Jackson	✓		
Sen. Jesse Laslovich		✓	
Sen. Bruce Tutvedt	✓		
Chairman John Esp		✓	

VOTE: 4-5 fails

ROLL CALL VOTE
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

Date: 2/18/09
Bill No.: SB305

Motion: DO Pass As Amended

NAME *(9 Members)*	AYE	NO	Proxy
Vice Chairman Jeff Essmann	✓		
Sen. Kim Gillan	✓		
Sen. Gregory Barkus	✓		
Sen. Ron Erickson	✓		
Sen. Steve Gallus	✓		✓
Sen. Verdell Jackson	✓		
Sen. Jesse Laslovich	✓		
Sen. Bruce Tutvedt	✓		
Chairman John Esp	✓		

VOTE: 9-0

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Senate Transportation committee because of other commitments. I desire to leave my proxy vote with:

Sen. Gillan (Sen. Gillan)

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 231	X	
SB 448 Amended	X	
SB DPAA 448 Amended	X	
SB 310 Amended	X	
SB 369 Amended	X	
SB 369	X	
SB 305 Amended		X
SB 305 Amd 305A	X	
SB 305 Amd 305E	X	
SB 305 A Amended	X	
SB310 DPAA	X	

BILL/AMENDMENT	AYE	NO

Sen. [signature] Date Feb 18 '05

(Signature)

Sen. Gallus

S:\Data\WordProcessing\Forms\AuthorizedSenateCommitteeProxy.wpd

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT

Date: February 18, 2009 Bill No: SB 448

Sponsor(s): Sen. Jim Keane

(Allow county commissioner to perform marriage)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informt'l
Jim Reno	Yellowstone Co	X		
Johnny Seiffert	MMA		X	
Larry Craig	MMA		X	
Mary "Marty" Quigley	Mt. Magistrates Assn		X	
John Ostlund	Yellowstone County	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT

Date: February 18, 2009 Bill No: SB 231

Sponsor(s): Sen. Rick Laible

(Revise the impact fee enabling act to require service area report)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informt'l
Rick Hill	MBIA	X		
Tim Davis	MSGL	X		
Glenn Oppel	MAR	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT

Date: February 18, 2009 Bill No: SB 434

Sponsor(s): Sen. Kelly Gebhardt

(Limit governmental liability for rodeo events)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informt'l
Jim Reno	Yellowstone Co	X		
John Ostlund	Yellowstone Co	X		
Al Smith	MTLA		X	
Harold Blattie	MACo	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT

Date: February 18, 2009 Bill No: SB 433

Sponsor(s): Sen. Kelly Gebhardt

(Revise opencut mining laws)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informt'l
Debbie Hapeman	private citizen		✓	
ALRICK HALE	KNIFE RIVER		X	
DAVE ZINKE	Knife River		✓	
Jackie Fliderman	Knife River		✓	
Carol Lee Roark	private citizen		✓	
Jean Riley	private citizen		✓	
Judy Hanson	DEQ			✓
Mike Newton	Fisher Sand & Grav	✓		
Mike Sharp	Prince, Inc.	✓		
Bob Worden	Schellinger Const.	✓		
Paul Thompson	Gilman Const.	✓		
Jerry Lawson	Dillon	✓		
Ron Pike	SME Const.	✓		
Myra Shults	JOIA/MACO		X 1-4	

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE
LOCAL GOVERNMENT

Date: February 18, 2009 Bill No: SB 433

Sponsor(s): Sen. Kelly Gebhardt

(Revise opencut mining laws)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informt'l
Neil Harrington	DEQ			X
Cary Hegreberg	Contractors	X		
Matt Jesson	Land owner	X		
Bas:/ Jacobson	MCA - Contractor	X		
John Alke	Knife River		✓	
Don Seifert	Land Owner		✓	
John Ostlund			X	
Linda Stoll	Missoula County MT Assn of Planners	~~✓~~	✓	
Tim Davis	MSGL		X	
Casey Perkins	MT Audubon		X	
Karl Hagen	SELF		XX	

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 3
DATE 2.18.09
BILL NO. SB 231

Montana Association of REALTORS®
Political Affairs
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Email: mtmar@montanarealtors.org · Web: www.montanarealtors.org

Bill Memo

Senate Bill 231 – Revise the impact fee act to require service area report
Sponsor: Sen. Rick Laible

Hearing:

Senate Local Government Committee
Feb. 18, 2009, Room 405

Purpose

Impact fees are designed to make development pay for itself. These fees are not to be a punitive tax on economic growth or a means to remedy existing deficiencies. Accordingly, SB 185 (2005) was drafted in order to ensure that impact fees were proportionate and related to the burden imposed by new development. SB 185 (2005) accomplished that goal by setting forth specific financial and analytic requirements to be met by governmental entities.

Unfortunately, cities and counties have not fully complied with §7-6-1601 et seq., MCA. Thus the primary purpose of this proposal is to refine and clarify the documentation requirements under §7-6-1602, MCA, in order to make certain that governmental entities take the proper steps to guarantee that development pays for itself and is not assessed impact fees in excess of its impacts.

In short, this proposal is designed to clarify the analysis and documentation that is required of governmental entities prior to assessing impact fees. This proposal in no way alters the substance of §7-6-1601 et seq., MCA because it is the view of the Montana Association of REALTORS® that the current law is well-drafted, even-handed, and comprehensive. Rather, the impetus for the amendments is the way governmental entities have applied the law.

As suggested above, the flaw in application relates specifically to §7-6-1602, MCA. Rather than show, affirmatively, that these requirements have been met in an impact fee report or in some other comprehensive analysis, governmental entities have chosen instead to present their impact fee assessments and then refer to other documentation that is allegedly responsive to §7-6-1602, MCA. This secondary documentation may or may not be available online; it may or may not be current; it may or may not be raw data; and it may be so poorly presented and organized that the meaning of the data or documentation may be unclear, even to a sophisticated reviewer.

Ultimately, the secondary documentation may not comply with §7-6-1602, MCA, but this conclusion is possible only after a diligent seeking of the supporting documents and tedious review. In many instances, the impact fees that are based on potentially deficient or erroneous data analysis would already be enacted. This lack of transparency means that there is no straightforward or consistent way to verify that governmental entities are assessing lawful impact fees.

By amending current law to require a service area report ("SAR"), governmental entities will have no option but to provide the requisite data and analysis in one report, instead of referring to myriad documents, the contents of which cannot be confirmed without significant expenditure of time and resources by the public and direct affected interests.

Additionally, since the SAR must be an organized, comprehensive assessment of the items listed under §7-6-1602, MCA, it may serve as a tool to adjust future impact fee rates. This should be a significant savings to government entities.

Analysis by Section

Section 1. Section 7-6-1602, MCA, is amended to read:

"7-6-1602. Calculation of impact fees -- documentation required -- ordinance or resolution -- requirements for impact fees. (1) For each public facility for which an impact fee is imposed, the governmental entity shall prepare and approve a service area report.

(2) The service area report is a written analysis that must ~~documentation that~~:

(a) ~~describes~~ describe existing conditions of the facility;

(b) ~~establishes level-of-service~~ establish level-of-service standards;

(c) ~~forecasts~~ forecast future additional needs for service for a defined period of time;

(d) ~~identifies~~ identify capital improvements necessary to meet future needs for service;

(e) ~~identifies~~ identify those capital improvements needed for continued operation and maintenance of the facility;

(f) ~~makes~~ make a determination as to whether one service area or more than one service area is necessary to establish a correlation between impact fees and benefits;

(g) ~~makes~~ make a determination as to whether one service area or more than one service area for transportation facilities is needed to establish a correlation between impact fees and benefits;

(h) ~~establishes~~ establish the methodology and time period over which the governmental entity will assign the proportionate share of capital costs for expansion of the facility to provide service to new development within each service area;

(i) ~~establishes~~ establish the methodology that the governmental entity will use to exclude operations and maintenance costs and correction of existing deficiencies from the impact fee;

(j) ~~establishes~~ establish the amount of the impact fee that will be imposed for each unit of increased service demand; and

(k) ~~has~~ have a component of the budget of the governmental entity that:

(i) schedules construction of public facility capital improvements to serve projected growth;

(ii) projects costs of the capital improvements;

(iii) allocates collected impact fees for construction of the capital improvements; and

(iv) covers at least a 5-year period and is reviewed and updated at least every 2 years.

(3) The service area report is a written analysis that must contain documentation of sources and methodology used for purposes of subsection (2) and must document how each impact fee meets the requirements of subsection (7).

~~(2)~~(4) The ~~data sources and methodology~~ service area report ~~supporting~~ that supports adoption and calculation of an impact fee must be available to the public upon request.

~~(3)~~(5) The amount of each impact fee imposed must be based upon the actual cost of public facility expansion or improvements or reasonable estimates of the cost to be incurred by the governmental entity as a result of new development. The calculation of each impact fee must be in accordance with generally accepted accounting principles.

~~(4)~~(6) The ordinance or resolution adopting the impact fee must include a time schedule for periodically updating the documentation required under subsection ~~(1)~~ (2).

~~(5)~~(7) An impact fee must meet the following requirements:

(a) The amount of the impact fee must be reasonably related to and reasonably attributable to the development's share of the cost of infrastructure improvements made necessary by the new development.

(b) The impact fees imposed may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development. The following factors must be considered in determining a proportionate share of public facilities capital improvements costs:

(i) the need for public facilities capital improvements required to serve new development; and

(ii) consideration of payments for system improvements reasonably anticipated to be made by or as a result of the development in the form of user fees, debt service payments, taxes, and other available sources of funding the system improvements.

(c) Costs for correction of existing deficiencies in a public facility may not be included in the impact fee.

(d) New development may not be held to a higher level of service than existing users unless there is a mechanism in place for the existing users to make improvements to the existing system to match the higher level of service.

(e) Impact fees may not include expenses for operations and maintenance of the facility."

Rationale: As suggested above, these changes are limited. Under §7-6-1602(1), MCA, the requirement of a service area report ("SAR") is added. The service area report is a new requirement in name only; the required contents of the SAR are already set forth in the current law and are not altered. The objective of this amendment is to clarify how governmental entities must demonstrate compliance with §7-6-1602, MCA. Namely, they must create a written analysis based on growth data, etc., which is directly responsive to 7-6-1601 et seq., MCA.

As stated above, this amendment links the SAR to the requirements under §7-6-1602(1) so that all the requirements which governmental entities previously failed to make accessible or comprehensible must now be set forth in the service area report, expressly required for that purpose. Furthermore, because the service area report analysis and documentation must occur at the service area level, this amendment guarantees that governmental entities will be in compliance with §7-6-1602(1)(f) and 1602(1)(g), MCA, that require determination of whether one or more service areas is necessary. At present, governmental entities assess fees on only one service area respectively and also fail to set forth their rationales for doing so.

Section 2. 7-6-1603, MCA, is amended with the following clarification:

"7-6-1603. Collection and expenditure of impact fees -- refunds or credits -- mechanism for appeal required. (1) The collection and expenditure of impact fees must comply with this part. The collection and expenditure of impact fees must be reasonably related to the benefits accruing to the development paying the impact fees. The ordinance or resolution adopted by the governmental entity must include the following requirements:

(a) Upon collection, impact fees must be deposited in a special proprietary fund, which must be invested with all interest accruing to the fund.

(b) A governmental entity may impose impact fees on behalf of local districts.

(c) If the impact fees are not collected or spent in accordance with the impact fee ordinance or resolution or in accordance with 7-6-1602, any impact fees that were collected must be refunded to the person who owned the property at the time that the refund was due.

(2) All impact fees imposed pursuant to the authority granted in this part must be paid no earlier than the date of issuance of a building permit if a building permit is required for the development or no earlier than the time of wastewater or water service connection or well or septic permitting.

(3) A governmental entity may recoup costs of excess capacity in existing capital facilities, when the excess capacity has been provided in anticipation of the needs of new development, by requiring impact fees for that portion of the facilities constructed for future users. The need to recoup costs for excess capacity must have been documented pursuant to 7-6-1602 in a manner that demonstrates the need for the excess capacity. This part does not prevent a governmental entity from continuing to assess an impact fee that recoups costs for excess capacity in an existing facility. The impact fees imposed to recoup the costs to provide the excess capacity must be based on the governmental entity's actual cost of acquiring, constructing, or upgrading the facility and must be no more than a proportionate share of the costs to provide the excess capacity.

(4) Governmental entities may accept the dedication of land or the construction of public facilities in lieu of payment of impact fees if:

(a) the need for the dedication or construction is clearly documented pursuant to 7-6-1602;

(b) the land proposed for dedication for the public facilities to be constructed is determined to be appropriate for the proposed use by the governmental entity;

(c) formulas or procedures for determining the worth of proposed dedications or constructions are established as part of the impact fee ordinance or resolution; and

(d) a means to establish credits against future impact fee revenue has been created as part of the adopting ordinance or resolution if the dedication of land or construction of public facilities is of worth in excess of the impact fee due from an individual development.

(5) Impact fees may not be imposed for remodeling, rehabilitation, or other improvements to an existing structure or for rebuilding a damaged structure unless there is an increase in units that increase service demand as described in ~~7-6-1602(1)(j)~~ 7-6-1602(2)(j). If impact fees are imposed for remodeling, rehabilitation, or other improvements to an existing structure or use, only the net increase between the old and new demand may be imposed.

(6) This part does not prevent a governmental entity from granting refunds or credits:

(a) that it considers appropriate and that are consistent with the provisions of 7-6-1602 and this chapter; or

(b) in accordance with a voluntary agreement, consistent with the provisions of 7-6-1602 and this chapter, between the governmental entity and the individual or entity being assessed the impact fees.

(7) An impact fee represents a fee for service payable by all users creating additional demand on the facility.

(8) An impact fee ordinance or resolution must include a mechanism whereby a person charged an impact fee may appeal the charge if the person believes an error has been made."

Rationale: This amendment is a correction for internal consistency.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairwoman Elsie Arntzen, on March 10, 2009 at 3:00 P.M., in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Elsie Arntzen, Chairwoman (R)
Rep. Betsy Hands, Vice Chairwoman (D)
Rep. Gary MacLaren, Vice Chairman (R)
Rep. Gerald Bennett (R)
Rep. Bob Ebinger (D)
Rep. Wanda Grinde (D)
Rep. Robin Hamilton (D)
Rep. Pat Ingraham (R)
Rep. Michael More (R)
Rep. Scott Reichner (R)
Rep. Michele Reinhart (D)
Rep. Gordon Vance (R)

Members Excused: None

Members Absent: Rep. Arlene Becker (D)
Rep. Tom Berry (R)
Rep. Robyn Driscoll (D)
Rep. Mike Menahan (D)
Rep. Diane Sands (D)
Rep. Wayne Stahl (R)

Staff Present: Katie Butcher, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing: SB 411, SB 231, SB 261

Executive Action: Sub Committee on HB 436

00:00:00 Call to order

HEARING ON SB 231

Opening Statement by Sponsor:

00:01:33 Sen. Rick Laible (R), SD 44, opened the hearing on SB 231, Revise the impact fee enabling act to require service area report.

(Rep. Menahan and Rep. Becker arrived.)

Proponents' Testimony:

00:05:25 Glenn Oppel, Montana Association of Realtors
EXHIBIT(loh53a01)
00:13:24 Tim Davis, Montana Smart Growth Coalition
00:14:29 Rick Hill, Montana Building Industry Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:15:18 Rep. Ingraham
00:15:58 Sen. Laible
00:17:24 Rep. Reinhart
00:17:36 Sen. Laible
00:20:52 Rep. Reinhart
00:21:02 Mr. Oppel
00:22:55 Rep. Hands
00:23:37 Mr. Oppel
00:24:43 Rep. Hands
00:25:20 Mr. Davis
00:30:13 Rep. MacLaren
00:30:18 Mr. Oppel
00:30:54 Chairwoman Arntzen
00:31:34 Mr. Oppel

Closing by Sponsor:

00:32:38 Sen. Laible

(Chairwoman Arntzen requested that Rep. Becker serve as temporary chair.)

HEARING ON SB 261

Opening Statement by Sponsor:

00:34:35 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 261, Generally revise transportation safety laws.

Proponents' Testimony:

00:37:26 Greg Phillips, Chair, Missoula Urban Transportation District Board; Deputy Director, Missoula International Airport
EXHIBIT(loh53a02)
00:39:35 Andy Sponseller, Missoula Urban Transportation District Board

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:42:09 Rep. Reichner
00:42:35 Sen. Wanzenried
00:43:06 Rep. Ebinger
00:43:18 Sen. Wanzenried

Closing by Sponsor:

00:44:01 Sen. Wanzenried

00:45:05 Break
(Rep. Becker relinquished the gavel to Vice Chairwoman Hands.)
00:45:49 Reconvene
(Rep. Sands, Rep. Stahl and Rep. MacLaren were not present.)

HEARING ON SB 411

Opening Statement by Sponsor:

00:46:07 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 411, Growth policy to include sand and gravel resource.

Proponents' Testimony:

00:48:27 Cary Hegreberg, Montana Contractors Association
EXHIBIT(loh53a03)

00:53:56 Don Allen, Western Environmental Trade Association

Opponents' Testimony:

00:56:04 Linda Stoll, Montana Association of Planners, Missoula County
00:59:10 John MacDonald, City of Missoula

Informational Testimony: None

Questions from Committee Members and Responses:

01:01:42 Rep. Reinhart
01:02:15 Mr. Hegreberg
01:03:45 Rep. More
01:04:14 Sen. Tutvedt
01:07:13 Chairwoman Arntzen
01:07:44 Ms. Stoll
01:09:21 Chairwoman Arntzen
01:09:35 Sen. Tutvedt

Closing by Sponsor:

01:10:35 Sen. Tutvedt
01:11:14 Mr. Kolman
(Vice Chairwoman Hands relinquished the gavel to Chairwoman Arntzen.)
01:12:41 Rep. Ingraham
01:13:35 Chairwoman Arntzen
01:14:34 Rep. Ebinger
01:14:49 Rep. Menahan
01:15:03 Chairwoman Arntzen
01:15:07 Rep. Ingraham
01:15:48 Rep. Becker
01:15:59 Rep. Ingraham
01:16:27 Chairwoman Arntzen
01:17:03 Rep. Ebinger
01:17:08 Mr. Kolman
01:17:15 Rep. Ebinger
01:18:13 Chairwoman Arntzen
01:18:18 Mr. Kolman
01:18:44 Chairwoman Arntzen
01:19:09 Rep. Ingraham
01:19:41 Mr. Kolman
01:20:26 Chairwoman Arntzen
01:21:03 Rep. Menahan
01:21:06 Chairwoman Arntzen
01:21:30 Rep. Menahan
01:21:39 Rep. Reinhart

01:22:01 Chairwoman Arntzen

01:22:29 **Motion**: Rep. Ingraham moved **THAT A SUB COMMITTEE BE FORMED FOR THE PURPOSE OF PRODUCING A COMMITTEE BILL.**

Discussion:

01:22:51 Chairwoman Arntzen
01:23:01 Rep. Becker
01:23:28 Mr. Kolman
01:23:56 Chairwoman Arntzen

01:24:29 **Vote**: Motion carried 15-3 by voice vote with Rep. More, Rep. Reichner, and Rep. Vance voting no. Rep. Sands, Rep. MacLaren and Rep. Stahl voted by proxy.

01:25:35 Chairwoman Arntzen
01:27:09 Mark Aagenes, Montana Trout Unlimited
01:27:35 Rep. Ebinger
01:27:43 Mr. Aagenes
EXHIBIT(loh53a04)
01:29:18 Janet Ellis, Montana Audubon
01:39:39 Rep. Reinhart
01:40:03 Chairwoman Arntzen

ADJOURNMENT

01:40:55 Adjournment

_____
Katie Butcher, Secretary

kb

Additional Documents:

EXHIBIT(loh53aad.pdf)

EXHIBIT 1
DATE 3-10-2009
SB SB231

Montana
Association of REALTORS®
Political Affairs

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Testimony of Montana Association of REALTORS® (MAR)
Glenn Oppel, Government Affairs Director
House Local Government Committee
Mar. 10, 2009, 3:00 p.m., Rm 172

Senate Bill 231 – Revise the impact fee enabling act to require service area report
Sponsor: Sen. Rick Laible

Senate Bill 231 passed with bipartisan support in the Senate Local Government Committee and on the Senate floor.

Background

Senate Bill 185 was enacted in 2005 to authorize local governments to impose impact fees. It was the work of a consensus group of stakeholders including REALTORS®, builders, counties, cities, planners, and others. The enabling Act was designed to allow impact fees that require new development to "pay its way," but no more than its way. In other words, impact fees must comply with what is called nexus and proportionality.

Since enactment of the Impact Fee Act, local governments have been moving forward with implementing various types of impact fees – the City of Kalispell just adopted transportation impact fees last night.

As the regulated community and a homeownership advocacy group, MAR has been monitoring the process of local impact fee implementation closely because we believe that illegal and unfair impact fees are a major threat to workforce housing affordability, in particular in some of our higher growth areas.

The Problem

In the process of monitoring implementation of impact fees, MAR, with the help of the National Association of REALTORS®, conducted compliance analyses (see attached) of 4 impact fee studies, including:

- Bozeman's transportation impact fee
- Hamilton's water and wastewater impact fees
- Kalispell's transportation impact fee

Each analysis concluded that the local government failed to comply with the requirements in the Impact Fee Act because these cities relied on, and merely referenced, external planning documents that were developed for purposes other than the calculation of an impact fee. For example, the Bozeman transportation impact fee study referenced its *Greater Bozeman Area Transportation Plan* and its *Capital Improvement Plan*. However, the study did not demonstrate how the improvements identified in these plans translated to costs associated with new development. Both Hamilton and Kalispell's studies suffer from the same shortcoming.

The problem with this practice is that the referenced documents are assumed to distinguish between which capital improvements are necessary for *projected growth* versus which capital improvements are necessary for the *future service needs of existing users*. This is, on its face, a violation of requirements of the Impact Fee Act.

Because there is no clear distinction in any of the studies analyzed so far by MAR, we have to conclude that either the city failed to comply with the Impact Fee Act or that compliance is uncertain or inconclusive. Uncertainty regarding compliance with state statute is not an option and fails to provide a predictable and transparent process for the regulated community and the public.

A Partial Solution

MAR and others believe that if local governments were required to include all documentation utilized by an impact fee study in a single *Service Area Report*, it would foster compliance by local governments seeking to establish impact fee programs. With the Service Area Report, local governments would have to affirmatively demonstrate how, for example, their transportation or capital improvement plan meets the requirements of the Impact Fee Act, as opposed to merely referencing those documents.

Moreover, it would more likely provide regulatory certainty and transparency to the public. The public won't have to second guess whether the local government calculated a legal and fair impact fee. It will be apparent in the Service Area Report, which will draw a distinction between existing and future infrastructure needs based on projected growth. Finally, the Service Area Report will better protect local governments from lawsuits that could arise from noncompliance with the Impact Fee Act.

MAR strongly recommends a "do pass" on Senate Bill 231.

Montana
Association of REALTORS®
Political Affairs

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ANALYSIS OF SELECTED MUNICIPAL IMPACT FEE PROGRAMS RELATIVE TO IMPACT FEE STATUTE

BACKGROUND

In 2005, Montana enacted the Impact Fee Act (the "Act"), codified at Title 7, Chapter 6, Part 1601 to 1604, of the Montana Code Annotated ("MCA"), thereby authorizing municipalities to establish and collect impact fees "as part of the development approval process to fund the additional service capacity required by the development from which it is collected." MCA § 7-6-1601(5)(a). Such fees must be "reasonably related to and reasonably attributable to the development's share of the cost of the infrastructure improvements made necessary by the new development" and "may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development." They may not be used to generate revenues to pay for the "costs for correction of existing deficiencies in a public facility or for "expenses for operations and maintenance of the facility." MCA § 7-6-1602 (5). To this end, before implementing an impact fee program, the Act requires a municipality to "prepare and approve documentation" that:

> (a) describes existing conditions of the facility;
> (b) establishes level of service standards;
> (c) forecasts future additional needs for service for a defined period of time;
> (d) identifies capital improvements necessary to meet future needs for service;
> (e) identifies those capital improvements needed for continued operation and maintenance of the facility;
> (f) makes a determination as to whether one service area or more than one service area is necessary to establish a correlation between impact fees and benefits;
> (g) makes a determination as to whether one service area or more than one service area for transportation facilities is needed to establish a correlation between impact fees and benefits;
> (h) establishes the methodology and time period over which the governmental entity will assign the proportionate share of capital costs for expansion of the facility to provide service to new development within each service area;
> (i) establishes the methodology that the governmental entity will use to exclude operations and maintenance costs and correction of existing deficiencies from the impact fee;
> (j) establishes the amount of the impact fee that will be imposed for each unit of increased service demand; and
> (k) has a component of the budget of the governmental entity that:
> (i) schedules construction of public facility capital improvements to serve projected growth;
> (ii) projects costs of the capital improvements;
> (iii) allocates collected impact fees for construction of the capital improvements; and
> (iv) covers at least a 5-year period and is reviewed and updated at least every 2 years.

(MCA §§ 7-6-1602 (1) (a) – (k).

EXECUTIVE SUMMARY

Review Approach

Since the Act's passage, at least three municipalities have implemented impact fees: Bozeman, Kalispell, and Hamilton. This memorandum reviews each of the studies developed in support of the impact fee program in each of these three municipalities in order to evaluate the extent to which each municipality's public facility study is consistent with the requirements of the Act. We limited our review to the supporting studies provided to us and we did not review the other documents referenced in these supporting studies.

In addition to the general conclusions presented in this memorandum, we have prepared a chart to summarize our review of these supporting studies for consistency with the Act. For each element of an impact fee program required under the Act, we have determined whether the supporting study is Consistent ("C"), its Consistency is Uncertain ("CU"), Inconsistent ("I"), or Not Applicable ("N/A") with the Act. Each category has the following meaning:

- "C" Indicates that the supporting study satisfies that particular requirement of the Act.
- "CU" Indicates that the supporting study either:

  (1) relies on an external planning document to satisfy this element of the Act but does not demonstrate how the external document does, in fact, meet this requirement, or

  (2) the external document appears to be outdated.

  For example, Appendix M to the Tindale-Oliver & Associates Study for Bozeman is a Memorandum from the Department of Planning and Community Development that addresses "Compliance with MCA Requirements for Street Impact Fee Development" and cites to MCA §7-6-1602 for the conclusion that "[t]he statute leaves to the judgment of each community where each piece of information is organized." We note that MCA §7-6-1602 (2) does state that "[t]he data sources and methodology supporting the adoption and calculation of an impact fee must be available upon request." It is not clear, however, that MCA §7-6-1602 authorizes the approach taken by Bozeman and the other municipalities for satisfying the documentation requirements of the Act. Each of the three studies relies upon the City's Capital Improvement Program ("CIP") but does not address how their CIP satisfies the budgetary requirements set forth at MCA § 7-6-1602.1(k). Since the CIP is not included in each study, it is impossible to fully assess whether the study in each case satisfies the Act's requirements that the City budget include a schedule for future improvements, estimate the costs for each future improvement, and allocate the impact fees to the construction of these future projects. *See* MCA § 7-6-1602.1(k).

  So if the supporting study relies upon an external document that either appears out of date or does not explain how that external document satisfies the requirements of the Act, we have given the supporting study a Consistency Uncertain ("CU") designation.

- "I" Indicates that the supporting study does not address that particular requirement under the Act. For example, each study did not show a calculation of costs for

correcting deficiencies in existing systems and, therefore, each study would appear to be inconsistent in that respect with MCA § 7-6-1602.5(c).

- "N/A" Indicates that this element of the Act is not relevant to the particular impact fee program. For instance, if the municipality did not opt to include administrative costs in the amount of the impact fee, as allowed under MCA § 7-6-1601.5(a), this element was treated as "N/A."

Summary of Conclusions

Part 1602 of the Act requires that each City establish a detailed methodology to demonstrate how the amount of the impact fee only includes the costs associated with infrastructure required to serve the increased demand resulting from new development. To this end, the Act requires that each City document the current level of service, MCA § 7-6-1602.1(b), forecast future additional needs for a defined period of time, MCA § 7-6-1602.1(c), and identify the capital improvements needed to service that future demand, MCA § 7-6-1602.1(d). Finally, the Act requires that the City establish a methodology and time period over which it assigns the proportionate share of capital costs for expansion of the facility to provide service to new development (broken down by each service area, if applicable). *See* MCA § 7-6-1602.1(h). Arguably, the Association could take the position that these provisions, reasonably construed, require supporting documentation and/or analyses specifically designed to satisfy the methodological requirements under the Act.

Because each City relied on external planning documents that were developed for purposes other than the calculation of an impact fee, because each used different planning timelines and different planning methodologies, it is at least questionable whether they supply the level of detail required under the Act.

In addition to setting forth a methodology that complies with MCA § 7-6-1602.1, the supporting study must also apply that methodology in accordance with MCA § 7-6-1602.5. Thus, the supporting study must demonstrate that the amount of the calculated impact fee is "reasonably related to and roughly attributable to" the new development's share of the cost of infrastructure improvements made necessary by the new development. *See* MCA § 17-6-1602.5(a). In other words, the amount of the impact fee "may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development." *See* MCA § 17-6-1602.5(b). Moreover, the impact fee cannot include the costs for correcting deficiencies in an existing infrastructure facility or the costs for the operation and maintenance of such facilities. *See* MCA § 17-6-1602.5(c), (e). Finally, the future infrastructure improvements cannot be held to a higher level of service than the existing systems. *See* MCA § 17-6-1602.5(d). As before, arguably, these provisions can reasonably be construed as requiring supporting documentation and/or analyses specifically developed for the purpose of the impact fee program so that it may demonstrate how the final impact fee amount is properly derived from only the costs associated with new development. In each City, the supporting study does not explicitly show the costs associated with operation, maintenance, and correction of deficiencies in existing systems.

ANALYSIS

BOZEMAN

Transportation Impact Fees

Overall, the City of Bozeman Transportation Impact Fee Study, January 3, 2008, prepared by Tindale-Oliver & Associates, Inc. (the "Bozeman Study") suggests some effort was made to comply with the requirements of the Act. But the Bozeman Study may fall short in some respects. The City of Bozeman Transportation Impact Fee Study, January 3, 2008, prepared by Tindale-Oliver & Associates, Inc. (the "Bozeman Study") points to external planning documents to establish baseline conditions and levels of service. The Act requires that the City document the current level of service, MCA § 7-6-1602.1(b), forecast future additional needs for a defined period of time, MCA § 7-6-1602.1(c), and identify the capital improvement needed to service that need, MCA § 7-6-1602.1(d). Finally, the Act requires that the City establish a methodology and time period over which it assigns the proportionate share of capital costs for expansion of the facility to provide service to new development (broken down by each service area, if applicable). *See* MCA § 7-6-1602.1(h). Because of the Bozeman Study's reliance on external planning documents developed for purposes other than an impact fee calculation, it is possible that they do not supply the level of detailed required under the Act.

Description of Existing Conditions and Established Level of Service

As required by MCA § 7-6-1602.1(b), the Bozeman Study refers to the Bozeman Municipal Code to identify the City's adopted policy for the level of service it seeks to maintain for its streets. However, the Bozeman Study does not provide an assessment of existing conditions and instead refers to the *Greater Bozeman Area Transportation Plan, 2001 Update* for this description. MCA § 7-6-1602.1(a).

Identification of Improvements Required for Operation and Maintenance versus Those Required To Serve New Demand

The Bozeman Study seems to falls short of meeting the requirements under MCA § 7-6-1602.1(d) and (e), whereby the City is required to identify future capital improvements needed to meet the demand created by new development. Rather, the Study suggests that it is during the annual update to the CIP that the City distinguishes between planned improvements that are needed to correct existing deficiencies and those that are needed because new growth has created an increased demand. The Study also suggests that this determination is based, in part, on an analysis of existing level of service standards but does not show how this is implemented in the actual calculation of the impact fee amounts arrived at in the report. MCA § 7-6-1602.5(d).

The Study relies on both the *Greater Bozeman Area Transportation Plan* and the City's CIP. The *Greater Bozeman Area Transportation Plan* has a twenty-year planning horizon. The CIP, which provides considerable detail with respect to expected project costs, is a five-year program of scheduled road construction and improvement projects that is updated annually to reflect the City's current budget constraints. The Bozeman Study does not show how each cost identified in the five-year CIP is reconciled with the improvements called for in the twenty-year Transportation Plan. *See* MCA § 1602.1(b), (c), and (d).

Determination of Service Area(s)

Though the Bozeman Study suggests that the impact fees are calculated according to CBD and non-CBD service areas, it is not clear how the projected costs for the improvements identified in the planning documents as supporting the impact fees are allocated by service area. *See* MCA § 7-6-1602.1(g).

Calculation of Costs for Correcting Existing Deficiencies and for Operation and Maintenance

The Bozeman Study does not demonstrate how the improvements identified in the *Greater Bozeman Area Transportation Plan* or the CIP translate to costs associated with new development. *See* MCA § 7-6-1602.1(h) and MCA § 7-6-1602.5(a), (c), and (e). That is, although the Study describes a precise methodology for extracting the operating and maintenance costs and the costs for correcting existing deficiencies from the future capital costs required to serve new development, the Study fails to calculate the costs for correcting existing deficiencies as well as the costs for the operation and maintenance of all improvements. *See* MCA § 7-6-1602.5(c) and (e). Therefore, there is no clear demonstration of how these requirements were satisfied when arriving at the amounts listed in Appendix F.

HAMILTON

Water and Wastewater Systems Impact Fees

Overall, the City of Hamilton Impact Fees for the Water and Wastewater System, Final Report, February 2007, prepared by HDR Engineering, Inc. (the "Hamilton Utility Study"), provides only some of the detail needed to properly assess whether the Hamilton Utility Study satisfies the Act's requirements.

Description of Existing Conditions and Established Level of Service

As explained above, one component of determining which improvements are necessary to facilitate projected growth is to have a baseline understanding of current conditions, as required by MCA § 7-6-1602.1(a) and (b). Although the Hamilton Utility Study refers to studies of existing conditions, those studies are never identified in the report. *See* MCA § 7-6-1602.1(a). Likewise, the existing levels of service for the relevant infrastructure are not shown. *See* MCA § 7-6-1602.1(b).

The Hamilton Utility Study relies on the City's fixed asset records, the CIP, and the Water and Wastewater Facility Plan, 1996, prepared by Brown and Caldwell/WGM, for many of the assumptions used in projecting future growth and for estimating costs of future capital improvements. The underlying assumptions from these reports are not set forth in the Hamilton Utility Study. Thus, the Study may fall short of meeting the methodology requirements under the Act. *See supra* for a discussion of Act's methodology requirements set forth at MCA § 7-6-1602.1(b), (c), (d), and (h).

Determination of Service Area(s)

The Hamilton Utility Study concludes that only one service area is required, without making a finding that this is the most appropriate way to relate impact fees and benefits as required by MCA § 7-6-1602.1(f).

Amount Based on Actual Cost or Reasonable Estimate of Future Cost

The Study inflates historical costs for fixed assets to account for 10 years of interest. When calculating the impact fee amount, the Act requires that the "amount of each impact fee imposed must be based upon the actual cost of public facility expansion or improvements or reasonable estimate of the costs to be incurred by the governmental entity as a result of the new development." MCA § 7-6-1602.3. The Study's use of historical-cost-plus-10-years-of-interest does not account for the actual cost of the improvement or provide a reasonable estimate of future costs.

Calculation of Costs for Correcting Existing Deficiencies and for Operation and Maintenance

The Hamilton Utility Study implicitly assumes that all future capital improvements are necessitated by new development because it applies the costs for all future improvements to the total number of projected Equivalent Dwelling Units ("EDU"). However, the Study does not undertake an assessment of what future needs are demanded by the projected EDUs. Thus, the Study does not demonstrate whether the future improvements are necessary to accommodate future growth. *See* MCA § 7-6-1602.5(a) and (b). The Hamilton Utility Study implies that the future infrastructure capacity improvements were identified and planned in the referenced reports but does not mention the extent of such improvements. *See* MCA § 7-6-1602.1(d).

By including all costs in the impact fee calculation, the Hamilton Utility Study also improperly implies that certain costs for existing deficiencies are attributed to future development. *See* MCA § 7-6-1602.5(c). For instance, the water system impact fee includes existing wells and planned upgrades to existing wells. Likewise, the water system impact fee includes existing and future storage. Further, the water system impact fees calculates two fees for distribution – one for existing assets and one for future assets – and then sums both to determine the single impact fee for all new development. With respect to the wastewater system impact fee, the calculation allocates only future capital improvements for the collection system to future growth but allocates both existing and future assets related to the treatment facility to future growth. In short, the Hamilton Utility Study blurs the line between what is needed to meet future growth and what is needed to remedy existing conditions, a distinction which arguably is required under MCA § 7-6-1602.1(d) and MCA § 17602.5(a).

Transportation Impact Fees

Overall, the City of Hamilton Draft Report Impact Fees for the Transportation System, July 2006, prepared by HDR Engineering, Inc. (the "Hamilton Transportation Study"), sets forth an easily understood methodology.

Description of Existing Conditions and Established Level of Service

The Hamilton Transportation Study does not show existing conditions associated with the current transportation system. *See* MCA § 7-6-1602.1(a). But the Study does show the existing level of service ("LOS") for streets and intersections and does assert that future improvements will only be required to maintain the existing LOS. *See* MCA § 7-6-1602.1(b) and MCA § 7-6-1602.5(d).

In determining future afternoon peak hour vehicle trips, the projections for new population growth and employment growth were taken from the *Hamilton Transportation Plan* but the actual numbers were not shown and the assumptions underlying the projections were not

provided. The failure to include these details in the Study seems to fall short of the Act's requirement for documenting a methodology to forecast future needs over a defined period of time. MCA § 7-6-1602.1(c).

The City identified the proportion of the future capital improvements attributable to new development (*see* MCA § 7-6-1602.1(h)), by means of a "line by line" review of the identified future improvements to determine which would provide new capacity to development. The cost of each project, as identified in the CIP, was then adjusted to account for only the proportion of the project serving new development.

Determination of Service Area(s)

The Hamilton Transportation Study fails to address whether more than one transportation service area is required to properly relate impact fees to benefits. (*see* MCA § 7-6-1602.1(g)).

Calculation of Costs for Correcting Existing Deficiencies and for Operation and Maintenance

The Study fails to calculate the costs for correcting existing deficiencies as well as the costs for the operation and maintenance of all improvements. *See* MCA § 7-6-1602.5(c) and (e). Further, the Study fails to demonstrate how the amount of the calculated impact fee actually ensures that the new development is not held to a higher level of service than existing users. *See* MCA § 7-6-1602.5(d).

KALISPELL

Transportation Impact Fees

The City of Kalispell, Revised Final Report, Impact Fees for the Transportation System, August 2008, prepared by HDR Engineering, Inc. (the "Kalispell Study") may also fall short of meeting the level of detail contemplated by the Act.

Description of Existing Conditions and Established Level of Service

The transportation impact fees are based on the future capital improvements identified in the City's Capital Improvement Plan (the "CIP") and the Kalispell Area Transportation Plan 2006 Update, April 2008, prepared by Robert Peccia & Associates. For the reasons discussed in the summary of the analysis of the other two municipalities, this reliance on the external planning documents appears to depart from the detailed methodology called for by the Act. *See* MCA § 7-6-1602.1(b), (c), (d), and (h).

The Act requires that the City forecast future additional needs for a defined period of time, MCA § 7-6-1602.1(c), and identify capital improvements necessary to meet the forecasted needs, MCA § 7-6-1602.1(d). As indicated in the chart, the Study appears to meet these requirements because it allocates only the percent of the planned improvements needed to maintain the existing volume to capacity ratio (V/C) in order to ensure that the new development is only paying for the capacity required to meet the new demand forecasted increase in volume attributed to the new development. The cost of each project, as identified in the CIP, was then adjusted to account for only the proportion of the future project serving new development. Likewise, Kalispell correctly does not allocate any future equipment costs to future development.

Determination of Service Area(s)

The Kalispell Study concludes that only one transportation service area is required without, however, making a finding that this is the most appropriate way to relate impact fees and benefits. *See*MCA § 7-6-1602.1(g).

Calculation of Costs for Correcting Existing Deficiencies and for Operation and Maintenance

The Study fails to calculate the costs for correcting existing deficiencies as well as the costs for the operation and maintenance of all improvements. *See* MCA § 7-6-1602.5(c) and (e). Exhibit 2 in the Study suggests that virtually 100% of the planned improvements are needed to meet the demand associated with new growth. The Study fails to show how this nearly 100% of the costs are attributable to new growth in that it does not demonstrate that the costs for correcting existing deficiencies and operation and maintenance are not included in the total costs.

By contrast, because the Study adjusts the future improvement costs to assume the same volume to capacity ratio, or the same level of congestion, on future roadways, it ensures that the new development is not held to a higher level of service than existing users. *See* MCA § 7-6-1602.5(d).

MT Impact Fee Enabling Act Requirements

C = Consistent with statute
CU = Consistency Uncertain with statute
I = Inconsistent with statute
N/A= Not Applicable

MCA Section	Requirement	Consistency with Statute															
		Bozeman (Transportation)				Hamilton (Water & Wastewater)				Hamilton (Transportation)				Kalispell (Transportation)			
		C	CU[1]	I	N/A	C	CU[1]	I	N/A	C	CU[1]	I	N/A	C	CU[1]	I	N/A
7-6-1601.5.a	An impact fee may include a fee for the administration of the impact fee not to exceed 5% of the total impact fee collected.				X	X				X				X			
7-6-1601.7	Meets the Definition of "Public Facility?"; "Public facilities" means:																
	(a) a water supply production, treatment, storage, or distribution facility;				X	X							X				X
	(b) a wastewater collection, treatment, or disposal facility;				X	X							X				X
	(c) a transportation facility, including roads, streets, bridges, rights-of-way, traffic signals, and landscaping;	X							X	X				X			
	(d) a storm water collection, retention, detention, treatment, or disposal facility or a flood control facility;				X				X				X				X
	(e) a police, emergency medical rescue, or fire protection facility; and				X				X				X				X
	(f) other facilities for which documentation is prepared as provided in [section 2] that have been approved as part of an impact fee ordinance or resolution by:																
	(i) a two-thirds majority of the governing body of an incorporated city, town, or consolidated local government; or				X				X				X				X
	(ii) a unanimous vote of the board of county commissioners of a county government.				X				X				X				X
7-6-1602.1	For each public facility for which an impact fee is imposed, the governmental entity shall prepare and approve documentation that:																
	(a) describes existing conditions of the facility;			X				X			X				X		
	(b) establishes level of service standards;	X						X			X				X		
	(c) forecasts future additional needs for service for a defined period of time;	X				X				X				X			
	(d) identifies capital improvements necessary to meet future needs for service;		X				X			X				X			
	(e) identifies those capital improvements needed for continued operation and maintenance of the facility;		X				X			X				X			
	(f) makes a determination whether one service area or more than one service area is necessary to establish a correlation between impact fees and benefits;				X	X							X				X

[1] This "consistency uncertain" determination reflects the assessment that the supporting study did not provide sufficient detail, or may be outdated, or that certain references in the study raise questions as to whether the methodology employed was appropriate.

MCA Section	Requirement	Consistency with Statute															
		Bozeman (Transportation)				Hamilton (Water & Wastewater)				Hamilton (Transportation)				Kalispell (Transportation)			
		C	CU[2]	I	N/A	C	CU[1]	I	N/A	C	CU[1]	I	N/A	C	CU[1]	I	N/A
	(g) makes a determination whether one service area or more than one service area for transportation facilities is needed to establish a correlation between impact fees and benefits;	X							X			X			X		
	(h) establishes the methodology and time period over which the governmental entity will assign the proportionate share of capital costs for expansion of the facility to provide service to new development within each service area;	X				X				X					X		
	(i) establishes the methodology that the governmental entity will use to exclude operations and maintenance costs and correction of existing deficiencies from the impact fee;	X					X					X			X		
	(j) establishes the amount of the impact fee that will be imposed for each unit of increased service demand;	X				X				X					X		
	(k) has a component of the budget of the governmental entity that:																
	(i) schedules construction of public facility capital improvements to serve projected growth;		X[2]				X[2]				X[2]				X[2]		
	(ii) projects costs of the capital improvements;		X[2]				X[2]				X[2]				X[2]		
	(iii) allocates collected impact fees for construction of the capital improvements;		X[2]				X[2]				X[2]				X[2]		
	(iv) covers at least a 5-year period and is reviewed and updated at least every 2 years.	X[4]					X[2]				X[2]				X[2]		

[2] This "consistency uncertain" determination reflects the assessment that the supporting study did not provide sufficient detail, or may be outdated, or that certain references in the study raise questions as to whether the methodology employed was appropriate.
[3] The Capital Improvement Plan was not available for our review and the description provided in the supporting documentation was not sufficient to make a determination of consistency with the statute.
[4] This assessment of consistency is based on the description of the Capital Improvement Plan provided in the Bozeman Study.

MCA Section	Requirement	Consistency with Statute															
		Bozeman (Transportation)				Hamilton (Water & Wastewater)				Hamilton (Transportation)				Kalispell (Transportation)			
		C	CU[1]	I	N/A	C	CU[1]	I	N/A	C	CU[1]	I	N/A	C	CU[1]	I	N/A
7-6-1602.2	Data sources and methodology supporting adoption and calculation of impact fees must be available to public upon request.	X					X				X				X		
7-6-1602.3	The amount of each impact fee imposed must be based upon the actual cost of public facility expansion or improvements or reasonable estimates of the cost to be incurred by the governmental entity as a result of new development. The calculation of each impact fee must be in accordance with generally accepted accounting principles.	X						X			X				X		
7-6-1602.5	An impact fee must meet the following requirements:																
	(a) The amount of the impact fee must be reasonably related to and roughly attributable to the development's share of the cost of infrastructure improvements made necessary by the new development.		X				X				X				X		
	(b) The impact fees imposed may not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development. The following factors must be considered in determining a proportionate share of public facilities capital improvements costs:																
	(i) the need for public facilities capital improvements required to serve new development; and		X				X				X				X		
	(ii) consideration of payments for system improvements reasonably anticipated to be made by or as a result of the development in the form of user fees, debt service payments, taxes, and other available sources of funding the system improvements.	X					X				X					X	
	(c) Costs for correction of existing deficiencies in a public facility may not be included in the impact fee.			X			X				X				X		
	(d) New development may not be held to a higher level of service than existing users unless there is a mechanism in place for the existing users to make improvements to the existing system to match the higher level of service.			X			X					X		X			
	(e) Impact fees may not include expenses for operations and maintenance of the facility.			X			X					X			X		

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Tuesday, March 10, 2009 **Time:** 3:00 pm
Place: Capitol **Room:** 172

BILLS and RESOLUTIONS HEARD:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 231, SB 261, SB 411

EXECUTIVE ACTION TAKEN:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

None

COMMENTS:

REP. Elsie Arntzen, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
Local Government Committee

DATE: 3/10/2009

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair MacLaren	X	
Vice Chair Hands	X	
Representative Becker		X
Representative Bennett	X	
Representative Berry		X
Representative Driscoll		X
Representative Ebinger	X	
Representative Grinde	X	
Representative Hamilton	X	
Representative Ingraham	X	
Representative Menahan		X
Representative More	X	
Representative Reichner	X	
Representative Reinhart	X	
Representative Sands		X
Representative Stahl		X
Representative Vance	X	
Chairman Arntzen	X	

AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Local Government Committee because of other commitments. I desire to leave my proxy vote with: Linda Grande

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
Committee Bill	X	

BILL/AMENDMENT	AYE	NO

Rep. Thomas Handy
(Signature)

Date 3/10

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AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Local Gov

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
Comm. Bill	X	
Election of Sheriffs Officers		

BILL/AMENDMENT	AYE	NO

Rep. Gary Worthington (Signature) Date 3/10/09

STAHL

AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Local Govt,

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
COMM BILL	X	
Election of Sheriffs Offices		

BILL/AMENDMENT	AYE	NO

Rep. Wayne Stahl
(Signature)

Date Mar 4 2009

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Montana House of Representatives
Visitors Register

Local Government **Date** 3/10/2009

Bill No. SB 231 **Sponsor(s)** Sen. Laible

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
TIM DAVIS	MSGC	X		
Glenn Oppel	MT Realtors	X		
Mark Baker	Kalispell Chamber	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

Local Government **Date** 3/10/2009

Bill No. SB261 **Sponsor(s)** Sen. Wanzenried

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
GREG PHILLIPS	Missoula Urban Trans.	X		
Andy Sponseller	Missoula Urban Trans	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Montana House of Representatives
Visitors Register

Local Government **Date** 3/10

Bill No. SB 411 **Sponsor(s)** Sen. Tutvedt

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
LINDA STOLL	MISSOULA COUNTY OFFICE OF PLANNING		✓	
Cary Hegreberg	Contractors	✓		
John MacDonald	City of Missoula		✓	
Dan Allen	WETA	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairwoman Elsie Arntzen, on March 17, 2009 at 11:40 P.M., in Room 172 Capitol

ROLL CALL

Members Present:

Rep. Elsie Arntzen, Chairwoman (R)
Rep. Betsy Hands, Vice Chairwoman (D)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. Wanda Grinde (D)
Rep. Robin Hamilton (D)
Rep. Pat Ingraham (R)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Michele Reinhart (D)
Rep. Diane Sands (D)
Rep. Wayne Stahl (R)
Rep. Gordon Vance (R)

Members Excused: Rep. Gary MacLaren, Vice Chairman (R)
Rep. Tom Berry (R)
Rep. Scott Reichner (R)

Members Absent: None

Staff Present: Katie Butcher, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing: None

Executive Action: SB 57, SB 58, SB 148, SB 294
SB 231, SB 261

00:00:00 Call to order
00:02:43 Rep. Stahl
00:02:44 Rep. Reichner and Rep. MacLaren arrived.
00:03:44 Chairwoman Arntzen
00:03:56 Rep. Grinde
00:04:07 Chairwoman Arntzen
00:04:18 Rep. Grinde
00:04:22 Chairwoman Arntzen

EXECUTIVE ACTION ON SB 57

00:04:29 **Motion**: Rep. Ingraham moved that **SB 57 BE CONCURRED IN.**

Discussion:

00:04:42 Rep. Stahl
00:05:10 Chairwoman Arntzen

00:05:15 Rep. Ingraham withdrew her motion without objection.

EXECUTIVE ACTION ON SB 58

00:05:22 **Motion**: Rep. Hands moved that **SB 58 BE CONCURRED IN.**

Discussion:

00:05:36 Rep. Ingraham
00:05:54 Chairwoman Arntzen

00:05:58 Rep. Hands withdrew her motion without objection.

EXECUTIVE ACTION ON SB 148

00:06:13 **Motion**: Rep. Hands moved that **SB 148 BE CONCURRED IN.**

Discussion:

00:06:24 Joe Kolman, Legislative Services Division

00:06:47 **Motion**: Rep. Driscoll moved that **SB 148 BE AMENDED.** **EXHIBIT(loh59a01)**

Discussion:

00:07:48 Mr. Kolman
00:08:45 Rep. Hamilton
00:08:52 Rep. Driscoll
00:10:04 Rep. Stahl
00:10:25 Rep. Driscoll

00:10:41 Rep. Stahl
00:11:11 Harold Blattie, Montana Association of Counties
00:11:19 Rep. Stahl
00:11:30 Rep. Reinhart
00:12:11 Rep. Driscoll
00:12:36 Chairwoman Arntzen
00:12:52 Rep. Reinhart
00:13:01 Rep. Grinde
00:13:30 Rep. Menahan
00:15:07 Rep. Stahl
00:15:56 Rep. Driscoll
00:16:22 Rep. Grinde
00:16:33 Rep. Becker
00:16:41 Rep. Grinde
00:17:00 Rep. Sands
00:17:26 Mr. Kolman
00:17:30 Rep. Driscoll
00:17:34 Rep. Reinhart

00:18:33 Rep. Driscoll withdrew her amendment.

00:18:33 Rep. Stahl
00:19:32 Chairwoman Arntzen
00:19:40 Rep. Stahl
00:20:13 Rep. Ingraham

00:20:58 Rep. Hands withdrew her motion.

00:21:06 Rep. More
00:21:30 Rep. Stahl

EXECUTIVE ACTION ON SB 57

00:21:39 **Motion**: Rep. Ingraham moved that **SB 57 BE CONCURRED IN.**

00:22:01 **Motion**: Rep. Ingraham moved that **SB 57 BE AMENDED.**
EXHIBIT(loh59a02)

Discussion:

00:24:47 Mr. Kolman
00:25:38 Rep. Ingraham
00:27:53 Rep. Hamilton

00:28:16 **Vote**: Motion carried unanimously by voice vote.
Rep. Berry voted by proxy.

00:28:30 **Motion/Vote**: Rep. Ingraham moved that **SB 57 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Berry voted by proxy. Rep. Hamilton will carry the bill.

00:29:16 Rep. Hamilton

00:30:21 **Motion/Vote**: Rep. Stahl moved to **RECONSIDER THE MOTION** on **SB 57.** Motion carried 17-0 by voice vote.

00:30:45 **Motion**: Rep. Stahl moved that **SB 57 BE AMENDED.**
EXHIBIT(loh59a03)

Discussion:

00:31:23 Rep. Sands left.
00:31:24 Mr. Blattie
00:33:40 Randy Wilke, Administrator, Property Assessment Division, Department of Revenue
00:34:59 Rep. Hands
00:35:06 Hope Stockwell, Legislative Services Division
00:37:35 Rep. Hands
00:37:59 Mr. Blattie
00:38:35 Rep. Hands
00:38:52 Mr. Blattie
00:39:27 Rep. Grinde
00:39:38 Sen. Kim Gillan, SD 24, Billings, Montana

00:40:34 **Vote**: Motion carried unanimously by voice vote. Rep. Sands and Rep. Berry voted by proxy.

00:40:50 **Motion/Vote**: Rep. Ingraham moved that **SB 57 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Berry and Rep. Sands voted by proxy. Rep. Hamilton will carry the bill.

EXECUTIVE ACTION ON SB 58

00:41:27 **Motion**: Rep. Ingraham moved that **SB 58 BE CONCURRED IN.**

00:41:28 Rep. Hands and Menahan left.

00:41:44 **Motion/Vote**: Rep. Ingraham moved that **SB 58 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Berry, Rep. Hands, Rep. Sands and Rep. Menahan voted by proxy.
EXHIBIT(loh59a04)

00:44:26 **Motion/Vote**: Rep. Ingraham moved that **SB 58 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Berry, Rep. Hands. Rep. Sands and Rep. Menahan voted by proxy. Rep. Hamilton will carry the bill.

EXECUTIVE ACTION ON SB 294

00:45:15 **Motion**: Rep. Stahl moved that **SB 294 BE CONCURRED IN.**

Discussion:

00:46:10 Mr. Kolman
00:46:11 Rep. Menahan arrived.
00:47:20 Rep. Grinde
00:47:38 Rep. MacLaren
00:47:44 Rep. Hamilton
00:47:53 Mr. Kolman
00:48:18 Rep. Becker
00:49:13 Rep. Vance
00:49:43 Rep. Stahl
00:50:30 Rep. MacLaren
00:50:54 Rep. Ingraham
00:51:58 Chairwoman Arntzen
00:52:50 Rep. Stahl
00:53:28 Mr. Kolman
00:53:42 Chairwoman Arntzen

00:54:44 **Vote**: Motion carried 13-5 by voice vote with Rep. Bennett, Rep. Berry, Rep. Ingraham, Rep. More, and Rep. Vance voting no. Rep. Berry, Rep. Sands and Rep. Hands voted by proxy. Rep. MacLaren will carry the bill.

00:54:46 Rep. Stahl left. Rep. Berry, Rep. Sands, and Rep. Hands were also not present.

EXECUTIVE ACTION ON SB 231

00:55:58 **Motion**: Rep. Ingraham moved that **SB 231 BE CONCURRED IN.**

00:56:23 **Motion/Vote**: Rep. MacLaren moved that **SB 231 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Berry, Rep. Stahl, Rep. Hands and Rep. Sands voted by proxy.
EXHIBIT(loh59a05)

00:58:56 **Motion**: Rep. Ingraham moved that **SB 231 BE CONCURRED IN AS AMENDED.**

Discussion:

00:59:04 Rep. MacLaren
01:00:05 Chairwoman Arntzen

01:00:48 **Vote**: Motion carried unanimously by voice vote. Rep. Berry, Rep. Stahl, Rep. Hands and Rep. Sands voted by proxy.

EXECUTIVE ACTION ON SB 261

01:01:23 **Motion**: Rep. Bennett moved that **SB 261 BE CONCURRED IN.**

Discussion:

01:01:41 Mr. Kolman
01:02:18 Rep. Vance
01:02:50 Rep. Reinhart
01:03:05 Rep. Becker

01:03:41 **Vote**: Motion carried 11-7 by voice vote with Rep. Arntzen, Rep. Bennett, Rep. Berry, Rep. Ingraham, Rep. More, Rep. Stahl, and Rep. Vance voting no. Rep. Berry, Rep. Stahl, Rep. Hands and Rep. Sands voted by proxy.

01:07:24 Rep. Ebinger
01:07:47 Rep. Reichner

ADJOURNMENT

01:08:34 Adjournment

_____
Katie Butcher, Secretary

kb

Additional Documents:

EXHIBIT(loh59aad.pdf)

EXHIBIT 5
DATE 3-17-2009
SB SB 231

Amendments to Senate Bill No. 231
3rd Reading Copy

Requested by Representative Gary MacLaren

For the House Local Government Committee

Prepared by Joe Kolman
March 11, 2009 (10:57am)

1. Title, line 5.
Strike: "AND"

2. Title, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 4.
Following: line 20
Insert: "NEW SECTION. **Section 3. {standard} Effective date.** [This act] is effective July 1, 2009."

- END -

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Tuesday, March 17, 2009 **Time:** 3:00 pm
Place: Capitol **Room:** 172

BILLS and RESOLUTIONS HEARD:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

EXECUTIVE ACTION TAKEN:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 57 - ~~DPAA~~ BCAA SB 58 - ~~DPAA~~ BCAA SB 294 - ~~P~~ BC SB 231 - ~~DPAA~~ BCAA SB 261 - ~~P~~ BC

COMMENTS:

SB 148 was moved and an amendment was attempted, however both motions were withdrawn.

REP. Elsie Arntzen, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
Local Government Committee

DATE: 3/17/2009

NAME	PRESENT	ABSENT/ EXCUSED
Vice Chair MacLaren		X
Vice Chair Hands	X	
Representative Becker	X	
Representative Bennett	X	
Representative Berry		X
Representative Driscoll	X	
Representative Ebinger	X	
Representative Grinde	X	
Representative Hamilton	X	
Representative Ingraham	X	
Representative Menahan	X	
Representative More	X	
Representative Reichner		X
Representative Reinhart	X	
Representative Sands	X	
Representative Stahl	X	
Representative Vance	X	
Chairman Arntzen	X	

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 57** (third reading copy – blue) **be concurred in as amended.**

Signed: _____
Representative Elsie Arntzen, Chair

To be carried by Representative Robin Hamilton

And, that such amendments read:

1. Page 12, line 11.
Following: "improvements"
Insert: ":
(a)"
Renumber: subsequent subsections

2. Page 12, line 13.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

3. Page 12, line 28.
Strike: "(3)(a)"
Insert: "(3)(a)(i)"
Strike: "(3)(e)"
Insert: "(3)(a)(v)"

4. Page 12, line 29.
Strike: "."
Insert: "; or"
(b) based upon the character, kind, and quality of service for a residential or commercial unit, taking into consideration:
(i) the nature of the property or entity assessed;
(ii) a calculated basis for the program or service,

Committee Vote:
Yes 18, No 0
Fiscal Note Required __

SB0057001SC03865.hjd

including volume or weight;

(iii) the cost, incentives, or penalties applicable to the program or service practices; or

(iv) any combination of these factors.

5. Page 56, line 1 through line 4.

Strike: "By" on line 1 through "district." on line 4

Insert: "(1) Subject to subsection (2), a special district in existence on [the effective date of this act] must comply with the provisions of [sections 1 through 20] upon alteration of its boundaries or a change in its amount or method of assessment. If dissolution is proposed for a special district in existence on [the effective date of this act], the proposal is subject to the provisions of [section 20].

(2) A special district in existence on [the effective date of this act] is required to comply with the provisions of [section 10] only upon alteration of its boundaries."

- END -

HOUSE STANDING COMMITTEE REPORT

March 18, 2009

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 58** (third reading copy – blue) **be concurred in as amended.**

Signed: _____
Representative Elsie Arntzen, Chair

To be carried by Representative Robin Hamilton

And, that such amendments read:

1. Title, page 1, line 7 through line 9.
Strike: "REQUIRING" on line 7 through "AUTHORITY;" on line 9

2. Page 1, line 14 through line 22.
Strike: section 1 in its entirety

3. Page 3, line 3 through page 4, line 20.
Strike: section 4 through section 6 in their entirety

- END -

Committee Vote:
Yes 18, No 0
Fiscal Note Required __

SB0058001SC03865.hjd

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 294** (third reading copy – blue) **be concurred in**.

Signed: _____
Representative Elsie Arntzen, Chair

To be carried by Representative Gary MacLaren

- END -

Committee Vote:
Yes 13, No 5
Fiscal Note Required __

SB0294001SC03863.hjd

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 231** (third reading copy – blue) **be concurred in as amended.**

Signed: _____
Representative Elsie Arntzen, Chair

To be carried by Representative Gary MacLaren

And, that such amendments read:

1. Title, line 5.
Strike: "AND"

2. Title, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 4.
Following: line 20
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2009."

- END -

Committee Vote:
Yes 18, No 0
Fiscal Note Required __

SB0231001SC03863.hjd

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 261** (third reading copy – blue) **be concurred in.**

Signed: _____
Representative Elsie Arntzen, Chair

To be carried by Representative Diane Sands

- END -

Committee Vote:
Yes 11, No 7
Fiscal Note Required __

SB0261001SC01041.hjd

AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Local Gov

Committee because of other commitments. I desire to leave my proxy vote with:

Rep Becker

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 57 x 2	✓	
amend 5722.01s		
[illegible]		
SB 58	✓	
amend	✓	
SB 294	✓	
SB 231	✓	
amend	✓	
SB 261	✓	

BILL/AMENDMENT	AYE	NO

Rep. [signature] Date 3/17/09

(Signature)

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AUTHORIZED
COMMITTEE PROXY

I request to be excused from the LOCAL GOVERNMENT

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 231 AMD 1	✓	
SB 231	✓	
SB 261		✓

BILL/AMENDMENT	AYE	NO

Rep. Wayne Stahl (Signature)

Date MAR 4 2009

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~~MOORE~~
BERRY

AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Local Government

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 57 AMND 1	✓	
SB 57	✓	
RECONSIDER SB 57	✓	
SB 57 AMND 2	✓	
SB 57	✓	
SB 58 AMD 1	✓	
SB 58	✓	
SB 294		✓
SB 231 AMD 1	✓	
SB 231	✓	
SB 261		✓

BILL/AMENDMENT	AYE	NO

Rep. ~~Tom~~ Berry

TOM BERRY (Signature)

Date 3.17.08

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AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Local Gov

Committee because of other commitments. I desire to leave my proxy vote with:

Rep Becker

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 58	✓	
amend	✓	
SB 294	✓	
SB 231	✓	
amend	✓	
SB 261	✓	

BILL/AMENDMENT	AYE	NO

Rep. Betsy Lewis
(Signature)

Date 3/17/09

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AUTHORIZED
COMMITTEE PROXY

I request to be excused from the Local Gov

Committee because of other commitments. I desire to leave my proxy vote with:

Rep Becker

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 58	✓	
amend	✓	
SB 294	✓	

BILL/AMENDMENT	AYE	NO

Rep. Mike Mendes (Signature)

Date 3/17/09

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